Senate Select Committee on Intelligence

Committee Study of the CIA's Detention and Interrogation Program

Executive Summary

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I. Background on the Committee Study

(U) On December 11, 2007, the Senate Select Committee on Intelligence ("the Committee") initiated a review of the destruction of videotapes related to the interrogations of CIA detainees Abu Zubaydah and 'Abd al-Rahim al-Nashiri after receiving a briefing that day on the matter by CIA Director Michael Hayden. At that briefing, Director Hayden stated that contemporaneous CIA operational cables were "a more than adequate representation of the tapes," and he agreed to provide the Committee with limited access to these cables at CIA Headquarters.

(U) On February 11, 2009, after the Committee was presented with a staff-prepared summary of the operational cables detailing the interrogations of Abu Zubaydah and al-Nashiri, the Committee began considering a broader review of the CIA's detention and interrogation practices. On March 5, 2009, in a vote of 14 to 1, the Committee approved Terms of Reference for a study of the CIA's Detention and Interrogation Program.[1]

(U) The *Committee Study of the CIA's Detention and Interrogation Program* is a lengthy, highly detailed report exceeding 6,700 pages, including approximately 38,000 footnotes. It is divided into three volumes:

I. **History and Operation of the CIA's Detention and Interrogation Program.** This volume is divided chronologically into sections addressing the establishment, development, and evolution of the CIA's Detention and Interrogation Program. It includes an addendum on *CIA Clandestine Detention Sites and the Arrangements Made with Foreign Entities in Relation to the CIA's Detention and Interrogation Program.*

II. **Intelligence Acquired and CIA Representations on the Effectiveness of the CIA's Enhanced Interrogation Techniques.** This volume addresses the intelligence the CIA attributed to CIA detainees and the use of the CIA's enhanced interrogation techniques, specifically focusing on CIA representations regarding the effectiveness of the CIA's enhanced interrogation techniques, as well as how the CIA's Detention and Interrogation Program was operated and managed. It includes sections on CIA representations to the media, the Department of Justice, and the Congress.

III. **Detention and Interrogation of CIA Detainees.** This volume addresses the detention and interrogation of 119 CIA detainees, from the program's authorization on September 17, 2001, to its official end on January 22, 2009, to include information on their capture, detention, interrogation, and conditions of confinement. It also includes extensive information on the CIA's management, oversight, and day-to-day operation of its Detention and Interrogation Program.

(U) On December 13, 2012, the Senate Select Committee on Intelligence approved the *Committee Study of the CIA's Detention and Interrogation Program* ("Committee Study") by a bipartisan vote of 9-6. The Committee Study included 20 findings and conclusions. The

[1] *See* Appendix 1: "Terms of Reference, Senate Select Committee on Intelligence Study of the Central Intelligence Agency's Detention and Interrogation Program."

Committee requested that specific executive branch agencies review and provide comment on the Committee Study prior to Committee action to seek declassification and public release of the Committee Study. On June 27, 2013, the CIA provided a written response, which was followed by a series of meetings between the CIA and the Committee that concluded in September 2013. Following these meetings and the receipt of Minority views, the Committee revised the findings and conclusions and updated the Committee Study. On April 3, 2014, by a bipartisan vote of 11-3, the Committee agreed to send the revised findings and conclusions, and the updated Executive Summary of the Committee Study, to the president for declassification and public release.

(U) The Committee's Study is the most comprehensive review ever conducted of the CIA's Detention and Interrogation Program. The CIA has informed the Committee that it has provided the Committee with all CIA records related to the CIA's Detention and Interrogation Program.[2] The document production phase lasted more than three years, produced more than six million pages of material, and was completed in July 2012. The Committee Study is based primarily on a review of these documents,[3] which include CIA operational cables, reports, memoranda, intelligence products, and numerous interviews conducted of CIA personnel by various entities within the CIA, in particular the CIA's Office of Inspector General and the CIA's Oral History Program, as well as internal email[4] and other communications.[5]

(U) The Executive Summary is divided into two parts. The first describes the establishment, development, operation, and evolution of the CIA's Detention and Interrogation Program. The second part provides information on the effectiveness of the CIA's Detention and Interrogation Program, to include information acquired from CIA detainees, before, during, and after the use of the CIA's enhanced interrogation techniques; as well as CIA representations on the effectiveness and operation of the CIA's Detention and Interrogation Program to the media, the Department of Justice, and the Congress. The Executive Summary does not include a

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[2] The Committee did not have access to approximately 9,400 CIA documents related to the CIA's Detention and Interrogation Program that were withheld by the White House pending a determination and claim of executive privilege. The Committee requested access to these documents over several years, including in writing on January 3, 2013, May 22, 2013, and December 19, 2013. The Committee received no response from the White House.

[3] From January 2, 2008, to August 30, 2012, the Department of Justice conducted a separate investigation into various aspects of the CIA's Detention and Interrogation Program, with the possibility of criminal prosecutions of CIA personnel and contractors. On October 9, 2009, the CIA informed the Committee that it would not compel CIA personnel to participate in interviews with the Committee due to concerns related to the pending Department of Justice investigations. (*See* DTS #2009-4064.) While the Committee did not conduct interviews with CIA personnel during the course of this review, the Committee utilized previous interview reports of CIA personnel and CIA contractors conducted by the CIA's Office of the Inspector General and the CIA's Oral History Program. In addition to CIA materials, the Committee reviewed a much smaller quantity of documents from the Department of Justice, the Department of Defense, and the Department of State, as well as documents that had separately been provided to the Committee outside of this review. Inconsistent spellings found within the Committee Study reflect the inconsistencies found in the underlying documents reviewed.

[4] The CIA informed the Committee that due to CIA record retention policies, the CIA could not produce all CIA email communications requested by the Committee. As a result, in a few cases, the text of an email cited in the Study was not available in its original format, but was embedded in a larger email chain. For this reason, the Committee, in some limited cases, cites to an email chain that contains the original email, rather than the original email itself.

[5] The report does not review CIA renditions for individuals who were not ultimately detained by the CIA, CIA interrogation of detainees in U.S. military custody, or the treatment of detainees in the custody of foreign governments, as these topics were not included in the Committee's Terms of Reference.

description of the detention and interrogations of all 119 known CIA detainees. Details on each of these detainees are included in Volume III.

(U) Throughout this summary and the entire report, non-supervisory CIA personnel have been listed by pseudonym. The pseudonyms for these officers are used throughout the report. To distinguish CIA officers in pseudonym from those in true name, pseudonyms in this report are denoted by last names in upper case letters. Additionally, the CIA requested that the names of countries that hosted CIA detention sites, or with which the CIA negotiated the hosting of sites, as well as information directly or indirectly identifying such countries, be redacted from the classified version provided to Committee members. The report therefore lists these countries by letter. The report uses the same designations consistently, so "Country J," for example, refers to the same country throughout the Committee Study. Further, the CIA requested that the Committee replace the original code names for CIA detention sites with new identifiers.[6]

[redacted]

[6] On April 7, 2014, the Executive Summary of the Committee Study of the CIA's Detention and Interrogation Program was provided to the executive branch for declassification and public release. On August 1, 2014, the CIA returned to the Committee the Executive Summary with its proposed redactions. Over the ensuing months, the Committee engaged in deliberations with the CIA and the White House to ensure that the Committee's narrative—and support for the Committee's findings and conclusions—remained intact. Significant alterations have been made to the Executive Summary in order to reach agreement on a publicly releasable version of the document. For example, the CIA requested that in select passages, the Committee replace specific dates with more general time frames. The Committee also replaced the true names of some senior non-undercover CIA officials with pseudonyms. The executive branch then redacted all pseudonyms for CIA personnel, and in some cases the titles of positions held by the CIA personnel. Further, while the classified Executive Summary and full Committee Study lists specific countries by letter (*for example* "Country J"), and uses the same letter to designate the specific country throughout the Committee Study, the letters have been redacted by the executive branch for this public release.

II. Overall History and Operation of the CIA's Detention and Interrogation Program

A. September 17, 2001, Memorandum of Notification (MON) Authorizes the CIA to Capture and Detain a Specific Category of Individuals

1. After Considering Various Clandestine Detention Locations, the CIA Determines That a U.S. Military Base Is the "Best Option"; the CIA Delegates "Blanket" Detention Approvals to CIA Officers in [redacted]

(~~TS//~~ [redacted] ~~//NF~~) On September 17, 2001, six days after the terrorist attacks of September 11, 2001, President George W. Bush signed a covert action Memorandum of Notification (MON) to authorize the director of central intelligence (DCI) to "undertake operations designed to capture and detain persons who pose a continuing, serious threat of violence or death to U.S. persons and interests or who are planning terrorist activities."[7] Although the CIA had previously been provided limited authorities to detain specific, named individuals pending the issuance of formal criminal charges, the MON provided unprecedented authorities, granting the CIA significant discretion in determining whom to detain, the factual basis for the detention, and the length of the detention.[8] The MON made no reference to interrogations or interrogation techniques.[9]

(~~TS//~~ [redacted] ~~//NF~~) On September 14, 2001, three days before the issuance of the MON, the chief of operations of the CIA's [redacted] based on an urgent requirement from the chief of the Counterterrorism Center (CTC), sent an email to CIA Stations in [redacted] seeking input on appropriate locations for potential CIA detention facilities.[10] Over the course of the next month, CIA officers considered at least four countries in [redacted] and one in [redacted] as possible hosts for detention facilities and [redacted] at least three proposed site locations.[11]

(~~TS//~~ [redacted] ~~//NF~~) On September 26, 2001, senior CTC personnel met to discuss the capture and detain authorities in the MON. On September 28, 2001, [redacted] CTC Legal, [redacted], sent an email describing the meeting and a number of policy decisions. The

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[7] September 17, 2001, Memorandum of Notification, for Members of the National Security Council, re. [redacted] (DTS #2002-0371), at paragraph 4.

[8] Attachment 5 to May 14, 2002, letter from Stanley Moskowitz, CIA Office of Congressional Affairs, to Al Cumming, Staff Director, Senate Select Committee on Intelligence, transmitting the [redacted] Memoranda of Notification (DTS #2002-2175).

[9] September 17, 2001, Memorandum of Notification, for Members of the National Security Council, re. [redacted] (DTS #2002-0371), at paragraph 4.

[10] DIRECTOR [redacted] ([redacted]); email from: [REDACTED]; to: [REDACTED]; subject: Cable re Country [redacted]; date: January 29, 2009.

[11] Memorandum for DCI from J. Cofer Black, Director of Counterterrorism, via Deputy Director of Central Intelligence, General Counsel, Executive Director, Deputy Director for Operations and Associate Director of Central Intelligence/Military Support, entitled, "Approval to Establish a Detention Facility for Terrorists."

email stated that covert facilities would be operated "in a manner consistent with, but not pursuant to, the formal provision of appropriately comparable Federal instructions for the operation of prison facilities and the incarceration of inmates held under the maximum lawful security mechanisms." [redacted]'s email recognized the CIA's lack of experience in running detention facilities, and stated that the CIA would consider acquiring cleared personnel from the Department of Defense or the Bureau of Prisons with specialized expertise to assist the CIA in operating the facilities.[12] On September 27, 2001, CIA Headquarters informed CIA Stations that any future CIA detention facility would have to meet "U.S. POW Standards."[13]

(~~TS//~~[redacted]~~//NF~~) In early November 2001, CIA Headquarters further determined that any future CIA detention facility would have to meet U.S. prison standards and that CIA detention and interrogation operations should be tailored to "meet the requirements of U.S. law and the federal rules of criminal procedure," adding that "[s]pecific methods of interrogation w[ould] be permissible so long as they generally comport with commonly accepted practices deemed lawful by U.S. courts."[14] The CIA's search for detention site locations was then put on hold and an internal memorandum from senior CIA officials explained that detention at a U.S. military base outside of the United States was the "best option."[15] The memorandum thus urged the DCI to "[p]ress DOD and the US military, at highest levels, to have the US Military agree to host a long-term facility, and have them identify an agreeable location," specifically requesting that the DCI "[s]eek to have the US Naval Base at Guantanamo Bay designated as a long-term detention facility."[16]

(~~TS//~~[redacted]~~//NF~~) Addressing the risks associated with the CIA maintaining a detention facility, the CIA memorandum warned that "[a]s captured terrorists may be held days, months, or years, the likelihood of exposure will grow over time," and that "[m]edia exposure could inflame public opinion against a host government and the U.S., thereby threatening the continued operation of the facility." The memorandum also anticipated that, "[i]n a foreign country, close cooperation with the host government will entail intensive negotiations."[17] The CIA memorandum warned that "any foreign country poses uncontrollable risks that could create incidents, vulnerability to the security of the facility, bilateral problems, and uncertainty over maintaining the facility."[18] The memorandum recommended the establishment of a "short-term" facility in which the CIA's role would be limited to "oversight, funding and responsibility." The

[12] Email from: [redacted]; to: [REDACTED]; subject: EYES ONLY – Capture and Detention; date: September 28, 2001, at 09:29:24 AM.
[13] DIRECTOR [redacted] (272119Z SEP 01)
[14] November 7, 2001, Draft of Legal Appendix, "Handling Interrogation." *See also* Volume I.
[15] Memorandum for DCI from J. Cofer Black, Director of Counterterrorism, via Deputy Director of Central Intelligence, General Counsel, Executive Director, Deputy Director for Operations and Associate Director of Central Intelligence/Military Support, entitled, "Approval to Establish a Detention Facility for Terrorists."
[16] Memorandum for DCI from J. Cofer Black, Director of Counterterrorism, via Deputy Director of Central Intelligence, General Counsel, Executive Director, Deputy Director for Operations and Associate Director of Central Intelligence/Military Support, entitled, "Approval to Establish a Detention Facility for Terrorists."
[17] Memorandum for DCI from J. Cofer Black, Director of Counterterrorism, via Deputy Director of Central Intelligence, General Counsel, Executive Director, Deputy Director for Operations and Associate Director of Central Intelligence/Military Support, entitled, "Approval to Establish a Detention Facility for Terrorists."
[18] Memorandum for DCI from J. Cofer Black, Director of Counterterrorism, via Deputy Director of Central Intelligence, General Counsel, Executive Director, Deputy Director for Operations and Associate Director of Central Intelligence/Military Support, entitled, "Approval to Establish a Detention Facility for Terrorists."

CIA would "contract out all other requirements to other US Government organizations, commercial companies, and, as appropriate, foreign governments."[19]

(~~TS//~~ [redacted] ~~//NF~~) On October 8, 2001, DCI George Tenet delegated the management and oversight of the capture and detention authorities provided by the MON to the CIA's deputy director for operations (DDO), James Pavitt, and the CIA's chief of the Counterterrorism Center, Cofer Black.[20] The DCI also directed that all requests and approvals for capture and detention be documented in writing. On December 17, 2001, however, the DDO rescinded these requirements and issued via a CIA cable "blanket approval" for CIA officers in [redacted] to "determine [who poses] the requisite 'continuing serious threat of violence or death to US persons and interests or who are planning terrorist activities.'"[21] By March 2002, CIA Headquarters had expanded the authority beyond the language of the MON and instructed CIA personnel that it would be appropriate to detain individuals who might not be high-value targets in their own right, but could provide information on high-value targets.[22]

(~~TS//~~ [redacted] ~~//NF~~) On April 7, 2003, [redacted] CTC Legal, [redacted], sent a cable to CIA Stations and Bases stating that "at this stage in the war [we] believe there is sufficient opportunity in advance to document the key aspects of many, if not most, of our capture and detain operations."[23] [redacted]'s cable also provided guidance as to who could be detained under the MON, stating:

> "there must be an articulable basis on which to conclude that the actions of a specific person whom we propose to capture and/or detain pose a 'continuing serious threat' of violence or death to U.S. persons or interests or that the person is planning a terrorist activity.
>
> ...We are not permitted to detain someone merely upon a suspicion that he or she has valuable information about terrorists or planned acts of terrorism.... Similarly, the mere membership in a particular group, or the mere existence of a particular familial tie, does not necessarily connote that the threshold of 'continuing, serious threat' has been satisfied."[24]

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[19] Memorandum for DCI from J. Cofer Black, Director of Counterterrorism, via Deputy Director of Central Intelligence, General Counsel, Executive Director, Deputy Director for Operations and Associate Director of Central Intelligence/Military Support, entitled, "Approval to Establish a Detention Facility for Terrorists."

[20] Memorandum from George Tenet, Director of Central Intelligence, to Deputy Director for Operations, October 8, 2001, Subject: (U) Delegations of Authorities.

[21] DIRECTOR [redacted] (171410Z DEC 01)

[22] WASHINGTON [redacted] (272040Z MAR 02)

[23] DIRECTOR [redacted] (072216Z APR 03)

[24] DIRECTOR [redacted] (072216Z APR 03). In a later meeting with Committee staff, [redacted] CTC Legal, [redacted] stated that the prospect that the CIA "could hold [detainees] forever" was "terrifying," adding, "[n]o one wants to be in a position of being called back from retirement in however many years to go figure out what do you do with so and so who still poses a threat." *See* November 13, 2001, Transcript of Staff Briefing on Covert Action Legal Issues (DTS #2002-0629).

2. *The CIA Holds at Least 21 More Detainees Than It Has Represented; At Least 26 CIA Detainees Wrongly Detained*

(~~TS//~~ [redacted] ~~//NF~~) While the CIA has represented in public and classified settings that it detained "fewer than one hundred" individuals,[25] the Committee's review of CIA records indicates that the total number of CIA detainees was at least 119.[26] Internal CIA documents indicate that inadequate record keeping made it impossible for the CIA to determine how many individuals it had detained. In December 2003, a CIA Station overseeing CIA detention operations in Country [redacted] informed CIA Headquarters that it had made the "unsettling discovery" that the CIA was "holding a number of detainees about whom" it knew "very little."[27] Nearly five years later, in late 2008, the CIA attempted to determine how many individuals the CIA had detained. At the completion of the review, CIA leaders, including CIA Director Michael Hayden, were informed that the review found that the CIA had detained at least 112 individuals, and possibly more.[28] According to an email summarizing the meeting, CIA Director Hayden

[25] CIA Director Hayden typically described the program as holding "fewer than a hundred" detainees. For example, in testimony before the Committee on February 4, 2008, in response to a question from Chairman Rockefeller during an open hearing, Hayden stated, "[i]n the life of the CIA detention program we have held fewer than a hundred people." (*See* DTS #2008-1140.) Specific references to "98" detainees were included in a May 5, 2006, House Permanent Select Committee on Intelligence (HPSCI) report on Renditions, Detentions and Interrogations. *See also* Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, July 20, 2007, Re: Application of the War Crimes Act, the Detainee Treatment Act, and Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees. Other examples of this CIA representation include a statement by CTC officer [redacted] to the HPSCI on February 15, 2006, and a statement by [redacted] CTC Legal [redacted] to the SSCI on June 10, 2008. *See* DTS #2008-2698.

[26] The Committee's accounting of the number of CIA detainees is conservative and only includes individuals for whom there is clear evidence of detention in CIA custody. The Committee thus did not count, among the 119 detainees, six of the 31 individuals listed in a memo entitled "Updated List of Detainees In [redacted]," attached to a March 2003 email sent by DETENTION SITE COBALT site manager [redacted] [CIA OFFICER 1], because they were not explicitly described as CIA detainees and because they did not otherwise appear in CIA records. (*See* email from: [redacted] [CIA OFFICER 1]; to: [redacted], [redacted], and [redacted] subject: [redacted] DETAINEES; date: March 13, 2003.) An additional individual is the subject of CIA cables describing a planned transfer from U.S. military to CIA custody at DETENTION SITE COBALT. He was likewise not included among the 119 CIA detainees because of a lack of CIA records confirming either his transfer to, or his presence at, DETENTION SITE COBALT. As detailed in this summary, in December 2008, the CIA attempted to identify the total number of CIA detainees. In a graph prepared for CIA leadership, the CIA represented the number of CIA detainees as "112+ ?" *See* [redacted] 12417 (101719Z OCT 02); ALEC [redacted] (232056Z OCT 02); [redacted] 190159 (240508Z OCT 02); and ALEC [redacted] (301226Z OCT 02).

[27] [redacted] 1528 [redacted]

[28] As of June 27, 2013, when the CIA provided its Response to the Committee Study of the CIA's Detention and Interrogation Program (hereinafter, the "CIA's June 2013 Response"), the CIA had not yet made an independent determination of the number of individuals it had detained. The CIA's June 2013 Response does not address the number of detainees determined by the Committee to be held by the CIA, other than to assert that the discrepancy between past CIA representations, that there were fewer than 100 detainees, and the Committee's determination of there being at least 119 CIA detainees, was not "substantively meaningful." The CIA's June 2013 Response states that the discrepancy "does not impact the previously known scale of the program," and that "[i]t remains true that approximately 100 detainees were part of the program; not 10 and not 200." The CIA's June 2013 Response also states that, "[t]he *Study* leaves unarticulated what impact the relatively small discrepancy might have had on policymakers or Congressional overseers." The CIA's June 2013 Response further asserts that, at the time Director Hayden was representing there had been fewer than 100 detainees (2007-2009), the CIA's internal research

instructed a CIA officer to devise a way to keep the number of CIA detainees at the same number the CIA had previously briefed to Congress. The email, which the briefer sent only to himself, stated:

> "I briefed the additional CIA detainees that could be included in RDI[29] numbers. DCIA instructed me to keep the detainee number at 98 -- pick whatever date i [sic] needed to make that happen but the number is 98."[30]

(~~TS//~~ [redacted] ~~//NF~~) While the CIA acknowledged to the House Permanent Select Committee on Intelligence (HPSCI) in February 2006 that it had wrongly detained five individuals throughout the course of its detention program, [31] a review of CIA records indicates

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"indicate[d] the total number of detainees could have been *as high as* 112," and that "uncertainty existed within CIA about whether a group of additional detainees were actually part of the program, partially because some of them had passed through [DETENTION SITE COBALT] prior to the formal establishment of the program under CTC auspices on 3 December 2002" (emphasis added). This June 27, 2013, CIA statement is inaccurate: the CIA's determination at the time was that there had been *at least* 112 CIA detainees and that the inclusion of detainees held prior to December 3, 2002, would make that number higher. On December 20, 2008, a CTC officer informed the chief of CTC that "112 were detained by CIA since September 11, 2001," noting "[t]hese revised statistics do not include any detainees at [DETENTION SITE COBALT] (other than Gul Rahman) who departed [DETENTION SITE COBALT] prior to RDG assuming authority of [DETENTION SITE COBALT] as of 03 December 2002." (*See* "[redacted] numbers brief.doc," attached to email from: [redacted]; to: [redacted], [REDACTED], [redacted], [redacted]; subject: Revised Rendition and Detention Statistics; date: December 20, 2008.) By December 23, 2008, CTC had created a graph that identified the total number of CIA detainees, excluding Gul Rahman, "Post 12/3/02" as 111. The graph identified the total number including Gul Rahman, but *excluding* other detainees "pre-12/3/02" as "112+ ?." (*See* CIA-produced PowerPoint Slide, RDG Numbers, dated December 23, 2008.) With regard to the Committee's inclusion of detainees held at DETENTION SITE COBALT prior to December 3, 2002, the CIA does not dispute that they were held by the CIA pursuant to the same MON authorities as detainees held after that date. Moreover, the CIA has regularly counted among its detainees a number of individuals who were held solely at DETENTION SITE COBALT prior to December 3, 2002, as well as several who were held exclusively at Country [redacted] facilities on behalf of the CIA. In discussing the role of DETENTION SITE COBALT in the CIA's Detention and Interrogation Program, then Deputy Director of Operations James Pavitt told the CIA Office of Inspector General in August 2003 that "there are those who say that [DETENTION SITE COBALT] is not a CIA facility, but that is 'bullshit.'" (*See* Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, James Pavitt, August 21, 2003.)

[29] The "Renditions and Interrogations Group," is also referred to as the "Renditions Group," the "Rendition, Detention, and Interrogation Group," "RDI," and "RDG" in CIA records.

[30] Email from: [redacted] to: [redacted] [Himself]; subject: Meeting with DCIA; date: January 5, 2009. According to the CIA's June 2013 Response, "Hayden did not view the discrepancy, if it existed, as particularly significant given that, if true, it would increase the total number by just over 10 percent."

[31] They include Sayed Habib, who was detained due to fabrications made by KSM while KSM was being subjected to the CIA's enhanced interrogation techniques ([redacted] 1281 (130801Z JUN 04); [redacted] 3031 [redacted] 3015 [redacted] 2817 [redacted]); Ali Saeed Awadh, the subject of mistaken identity (ALEC [redacted] 1871 [redacted] 2024 [redacted]; [redacted] 2022 [redacted] 14322 [redacted]); Modin Nik Muhammed, whom the CIA determined had been purposefully misidentified by a source due to a blood feud ([redacted] 43701 [redacted]; DIRECTOR [redacted]; [redacted] 52893 ([redacted]); Khalid al-Masri, whose "prolonged detention" was determined by the CIA Inspector General to be "unjustified" (CIA Office of Inspector General, Report of Investigation, The Rendition and Detention of German Citizen Khalid al-Masri (2004-7601-IG), July 16, 2007, at 83); and Zarmein, who was one of

that at least 21 additional individuals, or a total of 26 of the 119 (22 percent) CIA detainees identified in this Study, did not meet the MON standard for detention.[32] This is a conservative calculation and includes only CIA detainees whom the CIA itself determined did not meet the standard for detention. It does not include individuals about whom there was internal disagreement within the CIA over whether the detainee met the standard or not, or the numerous detainees who, following their detention and interrogation, were found not to "pose a continuing threat of violence or death to U.S. persons and interests" or to be "planning terrorist activities" as required by the September 17, 2001, MON.[33] With one known exception, there are no CIA

"a number of detainees about whom" the CIA knew "very little" ([redacted] 1528 [redacted].

[32] They include Abu Hudhaifa, who was subjected to ice water baths and 66 hours of standing sleep deprivation before being released because the CIA discovered he was likely not the person he was believed to be (WASHINGTON [redacted]; [redacted] 51303 [redacted]); Muhammad Khan, who, like Zarmein, was among detainees about whom the CIA acknowledged knowing "very little" ([redacted] 1528 [redacted]); Gul Rahman, another case of mistaken identity (HEADQUARTERS [redacted]); Shaistah Habibullah Khan, who, like his brother, Sayed Habib, was the subject of fabrications by KSM (HEADQUARTERS [redacted]); Haji Ghalgi, who was detained as "useful leverage" against a family member ([redacted] 33678 [redacted]); Nazar Ali, an "intellectually challenged" individual whose taped crying was used as leverage against his family member ([redacted] 13065 [redacted]; [redacted] 13147 [redacted]; [redacted] 29864 ([redacted]); Juma Gul, who was released with a payment of $[redacted] and [redacted] [other currency] ([redacted] 150822Z [redacted]; [redacted] 33693 [redacted]; [redacted] 33265 [redacted] 33693 [redacted]); Hayatullah Haqqani, whom the CIA determined "may have been in the wrong place at the wrong time" ([redacted] 33322 [redacted]); Ali Jan, who was detained for using a satellite phone, traces on which "revealed no derogatory information" ([redacted] 1542 [redacted]); two individuals [redacted]—Mohammad al-Shomaila and Salah Nasir Salim Ali—on whom derogatory information was "speculative" (email from: [REDACTED]; to: [REDACTED], [REDACTED], and [REDACTED]; subject: Backgrounders; date: April 19, 2006; [redacted] 17411 [redacted]; ALEC [redacted]; undated document titled, "Talking Points for HPSCI about Former CIA Detainees"); two individuals who were discovered to be foreign government sources prior to being rendered to CIA custody, and later determined to be former CIA sources ([redacted] 2185 ([REDACTED]); ALEC [redacted] ([REDACTED]); HEADQUARTERS [redacted] ([REDACTED])); seven individuals [redacted] thought to be travelling to Iraq to join al-Qa'ida who were detained based on claims that were "thin but cannot be ignored" (email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED], [redacted], [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED]; subject: Request Chief/CTC Approval to Apprehend and Detain Individuals Departing Imminently for Iraq to Fight Against US Forces; date: September 16, 2003); and Bismullah, who was mistakenly arrested [redacted] and later released with $[redacted] and told not to speak about his experience ([redacted] 46620 [redacted]).

[33] For example, the Committee did not include among the 26 individuals wrongfully detained: Dr. Hikmat Nafi Shaukat, even though it was determined that he was not involved in CBRN efforts and his involvement with al-Qa'ida members was limited to personal relationships with former neighbors ([redacted] 30414 [redacted]; DIRECTOR [redacted]); Karim, aka Asat Sar Jan, about whom questions were raised within the CIA about whether he may have been slandered by a rival tribal faction ([redacted] 27931 [redacted]; [REDACTED] Memo, [redacted] SUBJECT: getting a handle on detainees); Arsala Khan, who suffered disturbing hallucinations after 56 hours of standing sleep deprivation, after which the CIA determined that he "does not appear to be the subject involved in… current plans or activities against U.S. personnel or facilities" ([redacted] 1393 (201006Z OCT 03); HEADQUARTERS [redacted] ([redacted]); and Janat Gul, who also suffered "frightful" hallucinations following sleep deprivation and about whom the chief of the detention facility wrote, "[t]here simply is no 'smoking gun' that we can refer to that would justify our continued holding of [Janat Gul] at a site such as [DETENTION SITE BLACK]" ([redacted]

records to indicate that the CIA held personnel accountable for the detention of individuals the CIA itself determined were wrongfully detained.[34]

(~~TS//[redacted]//NF~~) On at least four occasions, the CIA used host country detention sites in Country [redacted] to detain individuals on behalf of the CIA who did not meet the MON standard for capture and detention. ALEC Station officers at CIA Headquarters explicitly acknowledged that these detainees did not meet the MON standard for detention, and recommended placing the individuals in host country detention facilities because they did not meet the standard. The host country had no independent reason to detain these individuals and held them solely at the behest of the CIA.[35]

B. The Detention of Abu Zubaydah and the Development and Authorization of the CIA's Enhanced Interrogation Techniques

1. *Past Experience Led the CIA to Assess that Coercive Interrogation Techniques Were "Counterproductive" and "Ineffective"; After Issuance of the MON, CIA Attorneys Research Possible Legal Defense for Using Techniques Considered Torture; the CIA Conducts No Research on Effective Interrogations, Relies on Contractors with No Relevant Experience*

(~~TS//[redacted]//NF~~) At the time of the issuance of the September 17, 2001, MON—which, as noted, did not reference interrogation techniques—the CIA had in place long-standing formal standards for conducting interrogations. The CIA had shared these standards with the

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1530 [redacted] 04); [redacted] 1537 [redacted] 04); [redacted] 1542 [redacted] 04); email from: [REDACTED] (COB [DETENTION SITE BLACK]); to: [redacted]; cc: [redacted]; subject: re [redacted] date: April 30, 2005).

[34] The CIA's June 2013 Response "acknowledge[s] that there were cases in which errors were made," but points only to the case of Khalid al-Masri, whose wrongful detention was the subject of an Inspector General review. The CIA's June 2013 Response does not quantify the number of wrongfully detained individuals, other than to assert that it was "far fewer" than the 26 documented by the Committee. The CIA's June 2013 Response acknowledges that "the Agency frequently moved too slowly to release detainees," and that "[o]f the 26 cases cited by the Study, we adjudicated only three cases in less than 31 days. Most took three to six months. CIA should have acted sooner." As detailed in the Study, there was no accountability for personnel responsible for the extended detention of individuals determined by the CIA to have been wrongfully detained.

[35] ALEC [redacted] ([redacted]; DIRECTOR [redacted]; DIRECTOR [redacted]; ALEC [redacted]. Despite the CIA's conclusion that these individuals did not meet the standard for detention, these individuals were included in the list of 26 wrongfully detained if they were released, but not if they were transferred to the custody of another country. The list thus does not include Hamid Aich, although CIA Headquarters recognized that Aich did not meet the threshold for unilateral CIA custody, and sought to place him in Country [redacted] custody where the CIA could still debrief him. (*See* DIRECTOR [redacted]). Hamid Aich was transferred to Country [redacted] custody on April [redacted], 2003, and transferred to [redacted] [another country's] custody more than a month later. (*See* [redacted] 36682 [redacted]; [redacted] 38836 [redacted]). The list also does not include Mohammad Dinshah, despite a determination prior to his capture that the CIA "does not view Dinshah as meeting the 'continuing serious threat' threshold required for this operation to be conducted pursuant to [CIA] authority," and a determination, after his capture, that "he does not meet the strict standards required to go to [DETENTION SITE COBALT]." (*See* DIRECTOR [redacted]; HEADQUARTERS [redacted]). Dinshah was transferred to [redacted] custody. *See* HEADQUARTERS [redacted]; [redacted] 41204 [redacted] 60937 [redacted].

Committee. In January 1989, the CIA informed the Committee that "inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers."[36] Testimony of the CIA deputy director of operations in 1988 denounced coercive interrogation techniques, stating, "[p]hysical abuse or other degrading treatment was rejected not only because it is wrong, but because it has historically proven to be ineffective."[37] By October 2001, CIA policy was to comply with the Department of the Army Field Manual "Intelligence Interrogation."[38] A CIA Directorate of Operations Handbook from October 2001 states that the CIA does not engage in "human rights violations," which it defined as: "Torture, cruel, inhuman, degrading treatment or punishment, or prolonged detention without charges or trial." The handbook further stated that "[i]t is CIA policy to neither participate directly in nor encourage interrogation which involves the use of force, mental or physical torture, extremely demeaning indignities or exposure to inhumane treatment of any kind as an aid to interrogation."[39]

(U) The CIA did, however, have historical experience using coercive forms of interrogation. In 1963, the CIA produced the KUBARK Counterintelligence Interrogation Manual, intended as a manual for Cold War interrogations, which included the "principal coercive techniques of interrogation: arrest, detention, deprivation of sensory stimuli through solitary confinement or similar methods, threats and fear, debility, pain, heightened suggestibility and hypnosis, narcosis and induced regression."[40] In 1978, DCI Stansfield Turner asked former CIA officer John Limond Hart to investigate the CIA interrogation of Soviet KGB officer Yuri Nosenko[41] using the KUBARK methods—to include sensory deprivation techniques and forced standing.[42] In Hart's testimony before the House Select Committee on Assassinations on September 15, 1978, he noted that in his 31 years of government service:

> "It has never fallen to my lot to be involved with any experience as unpleasant in every possible way as, first, the investigation of this case, and, second, the necessity of lecturing upon it and testifying. To me it is an abomination, and I

[36] January 8, 1989, Letter from John L. Helgerson, Director of Congressional Affairs, to Vice Chairman William S. Cohen, Senate Select Committee on Intelligence, re: SSCI Questions on [redacted], at 7-8 (DTS #1989-0131).
[37] Senate Select Committee on Intelligence, Transcript of Richard Stolz, Deputy Director for Operations, Central Intelligence Agency (June 17, 1988), p. 15 (DTS #1988-2302).
[38] Attachment to Memorandum entitled, "Approval to Establish a Detention Facility for Terrorists," CTC: 1026(138)/01 from J. Cofer Black, Director of DCI Counterterrorist Center, to Director of Central Intelligence via multiple parties, October 25, 2001; Draft of Legal Appendix, "Handling Interrogations."
[39] Directorate of Operations Handbook, 50-2, Section XX(1)(a), updated October 9, 2001.
[40] KUBARK Counterintelligence Interrogation, July 1963, at 85.
[41] According to public records, in the mid-1960s, the CIA imprisoned and interrogated Yuri Nosenko, a Soviet KGB officer who defected to the U.S. in early 1964, for three years (April 1964 to September 1967). Senior CIA officers at the time did not believe Nosenko was an actual defector and ordered his imprisonment and interrogation. Nosenko was confined in a specially constructed "jail," with nothing but a cot, and was subjected to a series of sensory deprivation techniques and forced standing.
[42] Among other documents, *see* CIA "Family Jewels" Memorandum, 16 May 1973, pp. 5, 23 24, available at www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB222/family_jewels_full_ocr.pdf.

am happy to say that… it is not in my memory typical of what my colleagues and I did in the agency during the time I was connected with it."[43]

(~~TS//[redacted]//NF~~) Notwithstanding the Hart investigation findings, just five years later, in 1983, a CIA officer incorporated significant portions of the KUBARK manual into the Human Resource Exploitation (HRE) Training Manual, which the same officer used to provide interrogation training in Latin America in the early 1980s, and which was used to provide interrogation training to the [redacted] in 198[redacted].[44] CIA officer [redacted] was involved in the HRE training and conducted interrogations. The CIA inspector general later recommended that he be orally admonished for inappropriate use of interrogation techniques.[45] In the fall of 2002, [redacted] became the CIA's chief of interrogations in the CIA's Renditions Group,[46] the officer in charge of CIA interrogations.[47]

(~~TS//[redacted]//NF~~) Despite the CIA's previous statements that coercive physical and psychological interrogation techniques "result in false answers"[48] and have "proven to be ineffective,"[49] as well as the aforementioned early November 2001 determination that "[s]pecific methods of interrogation w[ould] be permissible so long as they generally comport with commonly accepted practices deemed lawful by U.S. courts,"[50] by the end of November 2001, CIA officers had begun researching potential legal defenses for using interrogation techniques that were considered torture by foreign governments and a non-governmental organization. On November 26, 2001, attorneys in the CIA's Office of General Counsel circulated a draft legal memorandum describing the criminal prohibition on torture and a potential "novel" legal defense for CIA officers who engaged in torture. The memorandum stated that the "CIA could argue that the torture was necessary to prevent imminent, significant, physical harm to persons, where there is no other available means to prevent the harm," adding that "states may be very unwilling to call the U.S. to task for torture when it resulted in saving thousands of lives."[51] An August 1,

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[43] "Investigation of the Assassination of President John F. Kennedy," Hearings before the Select Committee on Assassinations of U.S. House of Representatives, 95th Congress, Second Session, September 11-15, 1978. Testimony of John Hart, pp. 487-536 (September 15, 1978) (DTS #Q04761).

[44] Transcript of Committee Hearing on [redacted] Interrogation Manual, June 17, 1988, pp. 3-4 (DTS #1988-2302).

[45] April 13, 1989, Memorandum from CIA Inspector General William F. Donnelly to Jim Currie and John Nelson, SSCI Staff, re: Answers to SSCI Questions on [redacted], attachment M to Memorandum to Chairman and Vice Chairman, re: Inquiry into [redacted] Interrogation Training, July 10, 1989 (DTS # 1989-0675). *See also* [redacted] 1984, Memorandum for Inspector General from [REDACTED], Inspector, via Deputy Inspector General, re: [redacted], IG-[redacted]84.

[46] As noted, the Renditions Group was also known during the program as the "Renditions and Interrogations Group," as well as the "Rendition, Detention, and Interrogation Group," and by the initials, "RDI" and "RDG."

[47] December 4, 2002, Training Report, Revised Version, High Value Target Interrogation and Exploitation (HVTIE) Training Seminar 12-18 Nov 02 ("[redacted] was recently assigned to the CTC/RG to manage the HVT Interrogation and Exploitation (HVTIE) mission, assuming the role as HVT interrogator/Team Chief.").

[48] January 8, 1989, Letter from John L. Helgerson, Director of Congressional Affairs to Vice Chairman William S. Cohen, Senate Select Committee on Intelligence re: SSCI Questions on [redacted], at 7-8 (DTS #1989-0131).

[49] Senate Select Committee on Intelligence, Transcript of Richard Stolz, Deputy Director for Operations, Central Intelligence Agency (June 17, 1988), at 15 (DTS #1988-2302).

[50] November 7, 2001, Draft of Legal Appendix, "Handling Interrogation." *See also* Volume I.

[51] November 26, 2001, Draft of Legal Appendix, "Hostile Interrogations: Legal Considerations for CIA Officers." The draft memo cited the "Israeli example" as a possible basis for arguing that "torture was necessary to prevent imminent, significant, physical harm to persons, where there is no other available means to prevent the harm."

2002, OLC memorandum to the White House Counsel includes a similar analysis of the "necessity defense" in response to potential charges of torture.[52]

(~~TS//~~ [redacted] ~~//NF~~) In January 2002, the National Security Council principals began to debate whether to apply the protections of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 ("Geneva") to the conflict with al-Qa'ida and the Taliban. A letter drafted for DCI Tenet to the president urged that the CIA be exempt from any application of these protections, arguing that application of Geneva would "significantly hamper the ability of CIA to obtain critical threat information necessary to save American lives."[53] On February 1, 2002—approximately two months prior to the detention of the CIA's first detainee—a CIA attorney wrote that if CIA detainees were covered by Geneva there would be "few alternatives to simply asking questions." The attorney concluded that, if that were the case, "then the optic becomes how legally defensible is a particular act that probably violates the convention, but ultimately saves lives."[54]

(~~TS//~~ [redacted] ~~//NF~~) On February 7, 2002, President Bush issued a memorandum stating that neither al-Qa'ida nor Taliban detainees qualified as prisoners of war under Geneva, and that Common Article 3 of Geneva, requiring humane treatment of individuals in a conflict, did not apply to al-Qa'ida or Taliban detainees.[55]

(~~TS//~~ [redacted] ~~//NF~~) From the issuance of the MON to early 2002, there are no indications in CIA records that the CIA conducted significant research to identify effective interrogation practices, such as conferring with experienced U.S. military or law enforcement interrogators, or with the intelligence, military, or law enforcement services of other countries with experience in counterterrorism and the interrogation of terrorist suspects.[56] Nor are there CIA records referencing any review of the CIA's past use of coercive interrogation techniques and associated lessons learned. The only research documented in CIA records during this time on the issue of interrogation was the preparation of a report on an al-Qa'ida manual that was

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[52] Memorandum for Alberto R. Gonzales, Counsel to the President, re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A. Like the November 26, 2001, draft memo, the OLC memorandum addressed the Israeli example.

[53] Email from: [redacted]; to: [REDACTED] cc: [REDACTED], [REDACTED], [REDACTED], Jose Rodriguez, [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: For OOB Wednesday – Draft Letter to the President; date: January 29, 2002. No records have been identified to indicate that this letter was or was not sent.

[54] Email from: [REDACTED]; to: [redacted] and [REDACTED]; subject: POW's and Questioning; date: February 1, 2002, at 01:02:12 PM.

[55] February 7, 2002, Memorandum for the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, chief of staff to the President, Director of Central Intelligence, Assistant to the President for National Security Affairs, and Chairman of the Joint Chiefs of Staff, re. Humane Treatment of al Qaeda and Taliban Detainees.

[56] After the CIA was unsuccessful in acquiring information from its last detainee, Muhammad Rahim, using the CIA's enhanced interrogation techniques, an after-action review in April 2008 suggested that the CIA conduct a survey of interrogation techniques used by other U.S. government agencies and other countries in an effort to develop effective interrogation techniques. *See* undated CIA Memorandum, titled [redacted] After Action Review, author [REDACTED], and undated CIA Memorandum, titled [Rahim] After Action Review: HVDI Assessment, with attached addendum, [Rahim] Lessons Learned Review Panel Recommendations Concerning the Modification of Sleep Deprivation and Reinstatement of Walling as an EIT. For additional information, *see* Volume I.

initially assessed by the CIA to include strategies to resist interrogation. This report was commissioned by the CIA's Office of Technical Services (OTS) and drafted by two CIA contractors, Dr. Grayson SWIGERT and Dr. Hammond DUNBAR.[57]

(~~TS//[redacted]//NF~~) Both SWIGERT and DUNBAR had been psychologists with the U.S. Air Force Survival, Evasion, Resistance and Escape (SERE) school, which exposes select U.S. military personnel to, among other things, coercive interrogation techniques that they might be subjected to if taken prisoner by countries that did not adhere to Geneva protections. Neither psychologist had experience as an interrogator, nor did either have specialized knowledge of al-Qa'ida, a background in terrorism, or any relevant regional, cultural, or linguistic expertise. SWIGERT had reviewed research on "learned helplessness," in which individuals might become passive and depressed in response to adverse or uncontrollable events.[58] He theorized that inducing such a state could encourage a detainee to cooperate and provide information.[59]

2. *The CIA Renders Abu Zubaydah to a Covert Facility, Obtains Presidential Approval Without Inter-Agency Deliberation*

(~~TS//[redacted]//NF~~) In late March 2002, Pakistani government authorities, working with the CIA, captured al-Qa'ida facilitator Abu Zubaydah in a raid during which Abu Zubaydah suffered bullet wounds. At that time, Abu Zubaydah was assessed by CIA officers in ALEC Station, the office within the CIA with specific responsibility for al-Qa'ida, to possess detailed knowledge of al-Qa'ida terrorist attack plans. However, as is described in greater detail in the full Committee Study, this assessment significantly overstated Abu Zubaydah's role in al-Qa'ida and the information he was likely to possess.[60]

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[57] Grayson SWIGERT and Hammond DUNBAR, Recognizing and Developing Countermeasures to Al Qaeda Resistance to Interrogation Techniques: A Resistance Training Perspective (undated). *See also* Memorandum for the Record, November 15, 2007, SSCI Staff Briefing with Grayson SWIGERT and Hammond DUNBAR (DTS #2009-0572).

[58] *See*, for example, [redacted], Memo from Grayson SWIGERT, subject, "Qualifications to provide special mission interrogation consultation"; Undated, untitled memo stating: "The following information was obtained by a telephone conversation with [REDACTED], [redacted], Interrogator Training, Lesson Plan, Title: A Scientific Approach to Successful Interrogation; DIR [redacted] (031227Z APR 02).

[59] *See*, for example, Memo from Grayson SWIGERT, [redacted], subject: "Qualifications to provide special mission interrogation consultation."

[60] *See* detainee review of Abu Zubaydah in Volume III. *See also* CIA Intelligence Assessment, August 16, 2006, "Countering Misconceptions About Training Camps in Afghanistan, 1990-2001." The document states: "Khaldan Not Affiliated With Al-Qa'ida. A common misperception in outside articles is that Khaldan camp was run by al-Qa'ida. Pre–11 September 2001 reporting miscast Abu Zubaydah as a 'senior al-Qa'ida lieutenant,' which led to the inference that the Khaldan camp he was administering was tied to Usama bin Laden. The group's flagship camp, al-Faruq, reportedly was created in the late 1980s so that bin Laden's new organization could have a training infrastructure independent of 'Abdullah Azzam's Maktab al Khidamat, the nongovernmental organization that supported Khaldan. Al-Qa'ida rejected Abu Zubaydah's request in 1993 to join the group and Khaldan was not overseen by bin Laden's organization. There were relations between the al-Qa'ida camps and Khaldan. Trainees, particularly Saudis, who had finished basic training at Khaldan were referred to al-Qa'ida camps for advanced courses, and Khaldan staff observed al-Qa'ida training. The two groups, however, did not exchange trainers."

(~~TS//[redacted]//NF~~) On the day that Abu Zubaydah was captured, CIA attorneys discussed interpretations of the criminal prohibition on torture that might permit CIA officers to engage in certain interrogation activities.[61] An attorney in CTC also sent an email with the subject line "Torture Update" to [redacted] CTC Legal [redacted], listing, without commentary, the restrictions on interrogation in the Geneva Conventions, the Convention Against Torture, and the criminal prohibition on torture.[62]

(~~TS//[redacted]//NF~~) In late March 2002, anticipating its eventual custody of Abu Zubaydah, the CIA began considering options for his transfer to CIA custody and detention under the MON. The CIA rejected U.S. military custody [redacted], in large part because of the lack of security and the fact that Abu Zubaydah would have to be declared to the International Committee of the Red Cross (ICRC).[63] The CIA's concerns about custody at Guantanamo Bay, Cuba, included the general lack of secrecy and the "possible loss of control to US military and/or FBI."[64] Rendition to Country [redacted] was rejected because of the perception that the results of that country's recent interrogations had been disappointing, as well as the intense interest in Abu Zubaydah from CIA leadership. As ALEC Station wrote, the CIA needed to participate directly in the interrogation, "[n]ot because we believe necessarily we can improve on [Country [redacted]] performance, but because the reasons for the lack of progress will be transparent and reportable up the line."[65]

(~~TS//[redacted]//NF~~) Over the course of four days, the CIA settled on a detention site in Country [redacted] because of that country's "[redacted]," and the lack of U.S. court jurisdiction. The only disadvantages identified by the CIA with detention in Country [redacted] were that it would not be a "USG-controlled facility" and that "diplomatic/policy decisions" would be required.[66] As a March 28, 2002, CIA document acknowledged, the proposal to render Abu Zubaydah to Country [redacted] had not yet been broached with that country's officials. The document also warned: "[w]e can't guarantee security. If AZ's presence does become known, not clear what the impact would be."[67]

(~~TS//[redacted]//NF~~) The decision to detain Abu Zubaydah at a covert detention facility in Country [redacted] did not involve the input of the National Security Council Principals Committee, the Department of State, the U.S. ambassador, or the CIA chief of Station in Country [redacted].[68] On March 29, 2002, an email from the Office of the Deputy DCI stated that "[w]e will have to

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[61] March 29, 2002, email from [REDACTED] to [redacted], cc: John Rizzo, [REDACTED], [REDACTED], [REDACTED], subject, NEW INFO: A-Z Interrogation Plan ("I have thought about the 18 USC sect. 2340 issues we briefly discussed yesterday.").

[62] Email from: [REDACTED]; to: [redacted]; subject: Torture Update; date: March 28, 2002, at 11:28:17 AM.

[63] [redacted] 19595 (281106Z MAR 02). PowerPoint presentation, Options for Incarcerating Abu Zubaydah, March 27, 2002.

[64] PowerPoint presentation, Options for Incarcerating Abu Zubaydah, March 27, 2002. PowerPoint presentation, Options for Incarcerating Abu Zubaydah, March 28, 2002.

[65] ALEC [redacted] (282105Z MAR 02)

[66] PowerPoint presentation, Options for Incarcerating Abu Zubaydah, March 27, 2002.

[67] PowerPoint presentation, Options for Incarcerating Abu Zubaydah, March 28, 2002.

[68] Email from: [REDACTED] [redacted]; to: James Pavitt; subject: DCI Decision on [DETENTION SITE GREEN] Briefing for Armitage; date: September 26, 2002; DIRECTOR [redacted] ([redacted] MAR 02).

acknowledge certain gaps in our planning/preparations, but this is the option the DDCI will lead with for POTUS consideration."[69] That morning, the president approved moving forward with the plan to transfer Abu Zubaydah to Country [redacted].[70] During the same Presidential Daily Brief (PDB) session, Secretary of Defense Rumsfeld suggested exploring the option of putting Abu Zubaydah on a ship; however, CIA records do not indicate any further input from the principals.[71] That day, the CIA Station in Country [redacted] obtained the approval of Country [redacted]'s [redacted] officials for the CIA detention site.[72] The U.S. deputy chief of mission in Country [redacted], who was notified by the CIA Station after Country [redacted]'s leadership, concurred in the absence of the ambassador, [redacted].[73] Shortly thereafter, Abu Zubaydah was rendered from Pakistan to Country [redacted] where he was held at the first CIA detention site, referred to in this summary as "DETENTION SITE GREEN."[74] CIA records indicate that Country [redacted] was the last location of a CIA detention facility known to the president or the vice president, as subsequent locations were kept from the principals as a matter of White House policy to avoid inadvertent disclosures of the location of the CIA detention sites.[75]

3. *Tensions with Host Country Leadership and Media Attention Foreshadow Future Challenges*

(~~TS//~~ [redacted] ~~//NF~~) The day after the rendition of Abu Zubaydah to DETENTION SITE GREEN, the [redacted], which was responsible for the security of the detention facility, linked its support for the CIA's detention site to a request for [redacted] support from the CIA [redacted]. The CIA eventually provided the requested [redacted] support, [redacted].[76] According to CIA cables and internal documents, [redacted]

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[69] Email from: [redacted]; to: [redacted]; subject: A-Z Interrogation Plan; date: March 29, 2002. POTUS is an abbreviation for President of the United States.

[70] Email from: [REDACTED]; to: [redacted]; subject: NEW INFO: A-Z Interrogation Plan; date: March 29, 2002.

[71] Email from: [REDACTED]; to: [redacted], [redacted]; subject: A-Z Interrogation Plan; email from: [REDACTED] [redacted]; to: James Pavitt; subject: DCI Decision on [DETENTION SITE GREEN] Briefing for Armitage; date: September 26, 2002. After the PDB session, the assistant secretary of state [redacted] was briefed. The assistant secretary indicated that he would brief the secretary and deputy secretary of state. An internal CIA email stated that at the NSC, only National Security Advisor Rice and Deputy National Security Advisor Hadley were briefed. *See* DIRECTOR [redacted] ([redacted] MAR 02); email from: [REDACTED] [redacted]; to: James Pavitt; date: September 26, 2002.

[72] [REDACTED] 69132 ([redacted] MAR 02)

[73] [REDACTED] 69132 ([redacted] MAR 02)

[74] For additional information on the rendition of Abu Zubaydah and the establishment of DETENTION SITE GREEN, *see* Volume I.

[75] HEADQUARTERS [redacted] [REDACTED]; HEADQUARTERS [redacted]. CIA records indicate that the CIA had not informed policymakers of the presence of CIA detention facilities in Countries [redacted], [redacted], [redacted] and [redacted]. It is less clear whether policymakers were aware of the detention facilities in Country [redacted] and at Guantanamo Bay, Cuba.

[76] *See*, for example, [REDACTED] 70240 (300614Z APR 02); [REDACTED] 70112 (250929Z APR 02); [REDACTED] 70459 (080545Z MAY 02); Congressional Notification: Intelligence Support to [redacted] Operation, [redacted], 2002 (DTS #2002 2932); and MEMORANDUM FOR: Director of Central Intelligence; FROM: [redacted]; SUBJECT: Your meeting with [redacted], [redacted] 2002; cover page dated [redacted] 2002.

[redacted] prompted [redacted] to replace [redacted] individuals responsible for supporting the CIA's detention facility.[77] Those officials were replaced by different officials whom the CIA believed were not supportive of the CIA's detention site.[78] Despite considerable effort by the CIA's Station in Country [redacted] to retain support for DETENTION SITE GREEN from its new [redacted] partners, [redacted] called for the closing of the CIA detention facility within three weeks.[79] Continued lobbying by the chief of Station, however, eventually led Country [redacted] to reverse this decision, allowing DETENTION SITE GREEN to remain operational.[80]

(~~TS//[redacted]//NF~~) On April [redacted], 2002, the CIA Station in Country [redacted] attempted to list the number of Country [redacted] officers who, "[t]o the best of Station's knowledge," had "knowledge of the presence of Abu Zubaydah" in a specific city in Country [redacted]. The list included eight individuals, references to "various" personnel [redacted] and the "staff" of [redacted], and concluded "[d]oubtless many others."[81] By April [redacted], 2002, a media organization had learned that Abu Zubaydah was in Country [redacted], prompting the CIA to explain to the media organization the "security implications" of revealing the information.[82] The CIA Station in Country [redacted] also expressed concern that press inquiries "would do nothing for our liaison and bilateral relations, possibly diminishing chances that [the [redacted] of Country [redacted]] will permit [Abu Zubaydah] to remain in country or that he would accept other [Abu Zubaydah]-like renderees in the future."[83] In November 2002, after the CIA learned that a major U.S. newspaper knew that Abu Zubaydah was in Country [redacted], senior CIA officials, as well as Vice President Cheney, urged the newspaper not to publish the information.[84] While the U.S. newspaper did not reveal Country [redacted] as the location of Abu Zubaydah, the fact that it had the information, combined with previous media interest, resulted in the decision to close DETENTION SITE GREEN.[85]

4. *FBI Officers Are the First to Question Abu Zubaydah, Who States He Intends to Cooperate; Abu Zubaydah is Taken to a Hospital Where He Provides Information the CIA Later Describes as "Important" and "Vital"*

(~~TS//[redacted]//NF~~) After Abu Zubaydah was rendered to DETENTION SITE GREEN on March [redacted], 2002, he was questioned by special agents from the Federal Bureau of

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[77] *See*, for example, [REDACTED] 74636 [redacted].
[78] [REDACTED] 76975 [redacted]
[79] [REDACTED] 77115 [redacted]
[80] [REDACTED] 77281 [redacted]. The CIA's June 2013 Response states that "[i]t was only as leaks detailing the program began to emerge that foreign partners felt compelled to alter the scope of their involvement." As described, however, the tensions with Country [redacted] were unrelated to public revelations about the program.
[81] [REDACTED] 69626 [redacted]
[82] Email from: William Harlow, Director of the CIA Office of Public Affairs; to: John McLaughlin, Buzzy Krongard, John Moseman, John Rizzo, James Pavitt, [REDACTED], Stanley Moskowitz; subject: [REDACTED] call Re: Abu Zubaydah; date: April 25, 2002, 12:06:33 PM.
[83] [REDACTED] 70168 [redacted]
[84] ALEC [redacted]; April 6, 2006, Interview, [redacted], Chief, Renditions and Detainees Group.
[85] DIRECTOR [redacted]

Investigation (FBI) who spoke Arabic and had experience interrogating members of al-Qa'ida. Abu Zubaydah confirmed his identity to the FBI officers, informed the FBI officers he wanted to cooperate, and provided background information on his activities. That evening, Abu Zubaydah's medical condition deteriorated rapidly and he required immediate hospitalization. Although Abu Zubaydah was largely unable to communicate because of a breathing tube, he continued to provide information to FBI and CIA officials at the hospital using an Arabic alphabet chart. According to records, the FBI officers remained at Abu Zubaydah's bedside throughout this ordeal and assisted in his medical care. When Abu Zubaydah's breathing tube was removed on April 8, 2002, Abu Zubaydah provided additional intelligence and reiterated his intention to cooperate.[86]

(~~TS//[redacted]//NF~~) During an April 10, 2002, debriefing session, conducted in the hospital's intensive care unit, Abu Zubaydah revealed to the FBI officers that an individual named "Mukhtar" was the al-Qa'ida "mastermind" of the 9/11 attacks. Abu Zubaydah identified a picture of Mukhtar provided by the FBI from the FBI's Most Wanted list. The picture was of Khalid Shaykh Mohammad (KSM), who had been indicted in 1996 for his role in Ramzi Yousef's terrorist plotting to detonate explosives on 12 United States-flagged aircraft and destroy them mid-flight over the Pacific Ocean.[87] Abu Zubaydah told the interrogators that "Mukhtar" was related to Ramzi Yousef, whom Abu Zubaydah said was in an American jail (Yousef had been convicted for the aforementioned terrorist plotting and was involved in the 1993 World Trade Center terrorist attack).[88]

(~~TS//[redacted]//NF~~) Abu Zubaydah told the FBI officers that "Mukhtar" trained the 9/11 hijackers and also provided additional information on KSM's background, to include that KSM spoke fluent English, was approximately 34 years old, and was responsible for al-Qa'ida operations outside of Afghanistan.[89] Subsequent representations on the success of the CIA's Detention and Interrogation Program consistently describe Abu Zubaydah's identification of KSM's role in the September 11, 2001, attacks, as well as his identification of KSM's alias ("Mukhtar"), as being "important" and "vital" information.[90] A review of CIA records found that this information was corroborative of information already in CIA databases.[91]

5. *While Abu Zubaydah is Hospitalized, CIA Headquarters Discusses the Use of Coercive Interrogation Techniques Against Abu Zubaydah*

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[86] [redacted] 10005 (092316Z APR 02). *See* Abu Zubaydah detainee review in Volume III for additional information.

[87] *See* United States Court of Appeals, August Term, 2001, *U.S. v Ramzi Ahmed Yousef*, and DIRECTOR [redacted] JAN 02). *See also* [redacted] CIA [redacted] MAR 02).

[88] [redacted] 10022 (121216Z APR 02). CIA records include the variant spelling, "Muhktar." KSM was placed on the FBI's public "Most Wanted Terrorist" list on October 10, 2001. *See* also U.S. Department of Justice materials related to Ramzi Ahmed Yousef.

[89] [redacted] 10022 (121216Z APR 02); [redacted] 18334 (261703Z MAR 02)

[90] *See*, for example, President Bush's September 6, 2006, speech, based on CIA information and vetted by the CIA, which stated that Abu Zubaydah provided "quite important" information and "disclosed Khalid Sheikh Mohammed, or KSM, was the mastermind behind the 9/11 attacks and used the alias Mukhtar. This was a vital piece of the puzzle that helped our intelligence community pursue KSM."

[91] *See* information later in this summary and Volume II for additional details.

(~~TS//~~ [redacted] ~~//NF~~) While Abu Zubaydah was still hospitalized, personnel at CIA Headquarters began discussing how CIA officers would interrogate Abu Zubaydah upon his return to DETENTION SITE GREEN. The initial CIA interrogation proposal recommended that the interrogators engage with Abu Zubaydah to get him to provide information, and suggested that a "hard approach," involving foreign government personnel, be taken "only as a last resort."[92] At a meeting about this proposal, [redacted] CTC Legal, [redacted], recommended that a psychologist working on contract in the CIA's Office of Technical Services (OTS), Grayson SWIGERT, be used by CTC to "provide real-time recommendations to overcome Abu Zubaydah's resistance to interrogation."[93] SWIGERT had come to [redacted]'s attention through [redacted], who worked in OTS. Shortly thereafter, CIA Headquarters formally proposed that Abu Zubaydah be kept in an all-white room that was lit 24 hours a day, that Abu Zubaydah not be provided any amenities, that his sleep be disrupted, that loud noise be constantly fed into his cell, and that only a small number of people interact with him. CIA records indicate that these proposals were based on the idea that such conditions would lead Abu Zubaydah to develop a sense of "learned helplessness."[94] CIA Headquarters then sent an interrogation team to Country [redacted], including SWIGERT, whose initial role was to consult on the psychological aspects of the interrogation.[95]

(~~TS//~~ [redacted] ~~//NF~~) DCI Tenet was provided an update on the Abu Zubaydah interrogation plans on April 12, 2002. The update stated that the CIA team was preparing for Abu Zubaydah's transfer back to DETENTION SITE GREEN, and noted the CIA interrogation team intended to "set the stage" and increase control over Abu Zubaydah.[96] The update stated:

> "Our [CIA] lead interrogator will require Abu Zubaydah to reveal the most sensitive secret he knows we are seeking; if he dissembles or diverts the conversation, the interview will stop and resume at a later time.... In accordance with the strategy, and with concurrence from FBI Headquarters, the two on-site FBI agents will no longer directly participate in the interview/debriefing sessions."[97]

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[92] Attachment to email from: [REDACTED] [REDACTED]; to: [redacted]; subject: Interrogation Strategy, Powerpoint on [redacted] [Abu Zubaydah] Interrogation Strategy, 01 April 2002; date: March 31, 2002.

[93] Email from [REDACTED] to [REDACTED], cc: [redacted], April 1, 2002, re: POC for [Grayson SWIGERT]– consultant who drafted al-Qa'ida resistance to interrogation backgrounder (noting that CTC/LGL would reach out to SWIGERT). According to the email, after the meeting, [redacted] CTC Legal, [redacted], provided SWIGERT's contact information to ALEC Station officers, noting that it was SWIGERT who composed an OTS assessment on al-Qa'ida resistance techniques.

[94] On the evening of April 1, 2002, "at the request of CTC/OPS and ALEC" Station, a cable from OTS with a proposed interrogation strategy was sent to Country [redacted] ([redacted] 178955 (012236Z APR 02). The information in this cable was consistent with a subsequent cable, which was coordinated with SWIGERT, that proposed "several environmental modifications to create an atmosphere that enhances the strategic interrogation process." The cable noted, "[t]he deliberate manipulation of the environment is intended to cause psychological disorientation, and reduced psychological wherewithal for the interrogation," as well as "the deliberate establishment of psychological dependence upon the interrogator," and "an increased sense of learned helplessness." (*See* [REDACTED] 69500 (070009Z APR 02).) For detailed information, *see* Volume I and the Abu Zubaydah detainee review in Volume III.

[95] DIRECTOR [redacted] [redacted] APR 02)

[96] CIA Sensitive Addendum "Update on the Abu Zubaydah Operation," dated 12 April 2002, "1630 Hours."

[97] CIA Sensitive Addendum "Update on the Abu Zubaydah Operation," dated 12 April 2002, "1630 Hours."

(~~TS//[redacted]//NF~~) The FBI special agents questioning Abu Zubaydah at the hospital objected to the CIA's plans. In a message to FBI Headquarters, an FBI special agent wrote that the CIA psychologists had acquired "tremendous influence."[98] The message further stated:

> "AZ's health has improved over the last two days and Agency [CIA] is ready to move [Abu Zubaydah] out of the hospital and back to [redacted] on [redacted] in an elaborate plan to change AZ's environment. Agency [CIA] advised this day that they will be immediately changing tactics in all future AZ interviews by having only there [sic] [CIA officer] interact with AZ (there will be no FBI presence in interview room). This change contradicts all conversations had to date.... They believe AZ is offering, 'throw away information' and holding back from providing threat information (It should be note [sic] that we have obtained critical information regarding AZ thus far and have now got him speaking about threat information, albeit from his hospital bed and not [an] appropriate interview environment for full follow-up (due to his health). Suddenly the psychiatric team here wants AZ to only interact with their [CIA officer, and the CIA sees this] as being the best way to get the threat information.... We offered several compromise solutions... all suggestions were immediately declined without further discussion. ...This again is quite odd as all information obtained from AZ has come from FBI lead interviewers and questioning.... I have spent an un-calculable amount of hours at [Abu Zubaydah's] bedside assisting with medical help, holding his hand and comforting him through various medical procedures, even assisting him in going [to] the bathroom.... We have built tremendous report [sic] with AZ and now that we are on the eve of 'regular' interviews to get threat information, we have been 'written out' of future interviews."[99]

6. *New CIA Interrogation Plan Focuses on Abu Zubaydah's "Most Important Secret"; FBI Temporarily Barred from the Questioning of Abu Zubaydah; Abu Zubaydah then Placed in Isolation for 47 Days Without Questioning*

(~~TS//[redacted]//NF~~) On April 13, 2002, while Abu Zubaydah was still at the hospital, the CIA implemented the "new interrogation program."[100] This initial meeting was held with just one interrogator in the room and lasted 11 minutes. A cable stated that the CIA interrogator was coached by the "psychological team."[101] The CIA interrogator advised Abu Zubaydah that he (Abu Zubaydah) "had a most important secret that [the interrogator] needed to know." According to the cable, Abu Zubaydah "amazingly" nodded in agreement about the secret, but

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[98] Federal Bureau of Investigation documents pertaining "to the interrogation of detainee Zayn Al Abideen Abu Zabaidah" and provided to the Senate Select Committee on Intelligence by cover letter dated July 20, 2010 (DTS #2010-2939).

[99] Federal Bureau of Investigation documents pertaining "to the interrogation of detainee Zayn Al Abideen Abu Zabaidah" and provided to the Senate Select Committee on Intelligence by cover letter dated July 20, 2010 (DTS #2010-2939).

[100] [redacted] 10026 (131233Z APR 02)

[101] [redacted] 10026 (131233Z APR 02)

"did not divulge any information, as [the interrogation team] expected."[102] A cable further explained that Abu Zubaydah indicated that he understood that the key question was about "impending future terrorist plans against the United States,"[103] and that the CIA officer told Abu Zubaydah to signal for him "when he decides to discuss that 'one key item he knows he is keeping from the [interrogator].'"[104] The FBI officers provided a similar account to FBI Headquarters, adding that: "We spent the rest of the day in the adjoining room with [the CIA officer] and one of the psychiatrists [REDACTED] waiting for [Abu Zubaydah] to signal he was ready to talk. [Abu Zubaydah] apparently went to sleep… they did not approach [Abu Zubaydah] the rest of the day."[105] In their communications with FBI Headquarters, the FBI officers wrote that they explained their rapport-building approaches to the CIA interrogation team and "tried to explain that we have used this approach before on other Al-Qaeda members with much success (al-Owhali,[106] KKM, Jandal, Badawi etc.). We tried to politely suggest that valuable time was passing where we could attempt to solicit threat information...."[107]

(~~TS//[redacted]//NF~~) On April 15, 2002, per a scripted plan, the same CIA interrogator delivered what a CIA cable described as "the pre-move message" to Abu Zubaydah: that "time is running out," that his situation had changed, and that the interrogator was disappointed that Abu Zubaydah did not signal "to discuss the one thing he was hiding."[108] Abu Zubaydah was sedated and moved from the hospital to DETENTION SITE GREEN. When Abu Zubaydah awoke at 11:00 PM, four hours after his arrival, he was described as surprised and disturbed by his new situation. An April 16, 2002, cable states the "objective is to ensure that [Abu Zubaydah] is at his most vulnerable state."[109]

(~~TS//[redacted]//NF~~) A cable described Abu Zubaydah's cell as white with no natural lighting or windows, but with four halogen lights pointed into the cell.[110] An air conditioner was also in the room. A white curtain separated the interrogation room from the cell. The interrogation cell had three padlocks. Abu Zubaydah was also provided with one of two chairs that were rotated based on his level of cooperation (one described as more comfortable than the other). Security officers wore all black uniforms, including boots, gloves, balaclavas, and goggles to keep Abu Zubaydah from identifying the officers, as well as to prevent Abu Zubaydah "from seeing the security guards as individuals who he may attempt to establish a relationship or dialogue with."[111] The security officers communicated by hand signals when they were with

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[redacted] 10026 (131233Z APR 02)
[redacted] 10029 (131505Z APR 02)
[redacted] 10029 (131505Z APR 02)

[105] Federal Bureau of Investigation documents pertaining "to the interrogation of detainee Zayn Al Abideen Abu Zabaidah" and provided to the Senate Select Committee on Intelligence by cover letter dated July 20, 2010 (DTS #2010-2939).

[106] *See* Intelligence Science Board "Intelligence Interviewing: Teaching Papers and Case Studies" for additional details on the FBI's interrogation of Mohamed Rashed Daoud al-Owhali.

[107] Federal Bureau of Investigation documents pertaining "to the interrogation of detainee Zayn Al Abideen Abu Zabaidah" and provided to the Senate Select Committee on Intelligence by cover letter dated July 20, 2010 (DTS #2010-2939).

[redacted] 10043 (151614Z APR 02)
[redacted] 10047 (161406Z APR 02)
[redacted] 10116 (250731Z APR 02)
[redacted] 10053 (162029Z APR 02)

Abu Zubaydah and used hand-cuffs and leg shackles to maintain control. In addition, either loud rock music was played or noise generators were used to enhance Abu Zubaydah's "sense of hopelessness."[112] Abu Zubaydah was typically kept naked and sleep deprived.[113]

(~~TS//[redacted]//NF~~) An April 16, 2002, cable explained that the interrogation strategy had shifted since Abu Zubaydah's medical condition prevented "total isolation as originally planned." According to the cable, a 24-hour interrogation strategy was now "deemed to be the best approach" for acquiring information. As a result, the FBI officers were once again allowed to question Abu Zubaydah.[114] On April 17, 2002, an FBI officer met with Abu Zubaydah for six hours.[115] FBI records state that Abu Zubaydah had "not seen the interviewing (FBI) agent" since April 11, 2002, but that Abu Zubaydah greeted the agent by name.[116] During the questioning Abu Zubaydah denied any knowledge related to specific targets for a pending attack and "advised that many of the brothers on the front lines (nfi) [no further information] talked about all types of attacks against America but that for the most part this was usually just talk and that [the United States] should not be concerned about this type of talk."[117] Abu Zubaydah provided information on al-Qa'ida, KSM, his past travel to the United States, as well as general information on extremists in Pakistan.[118]

(~~TS//[redacted]//NF~~) Abu Zubaydah continued to provide information to interrogators throughout April 2002, but not information on pending attacks against the United States. On the evening of April 20, 2002, Abu Zubaydah told the FBI officers about two men who approached him with a plan to detonate a uranium-based explosive device in the United States. Abu Zubaydah stated he did not believe the plan was viable and did not know the names of the two individuals, but provided physical descriptions of the pair.[119] This information was acquired after Abu Zubaydah was confronted with emails indicating that he had sent the two individuals to KSM.[120] The CIA would later represent that this information was acquired "as a result" of the use of the CIA's enhanced interrogation techniques, and that the information acquired resulted in

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[112] [redacted] 10116 (250731Z APR 02). CIA records indicate that Abu Zubaydah was nude, but given a towel to cover himself when interrogated. *See,* for example, [redacted] 10080 (200735Z APR 02).

[113] [redacted] 10053 (162029Z APR 02); [redacted] 10094 (211905Z APR 02). As detailed in Volume III, the FBI Special Agents only questioned Abu Zubaydah when he was covered with a towel. Sleep deprivation during this period also differed from how sleep deprivation was implemented after the Department of Justice approved the CIA's enhanced interrogation techniques in August 2002. Rather than being placed in a stress position during sleep deprivation, Abu Zubaydah was kept awake by being questioned nearly non-stop by CIA and FBI interrogators. Records further indicate that during breaks in the interrogations at this time, Abu Zubaydah was allowed to briefly sleep. *See,* for example, [redacted] 10116 (250731Z APR 02).

[114] [redacted] 10047 (161406Z APR 02)

[115] [redacted] 10058 (171904Z APR 02)

[116] Federal Bureau of Investigation documents pertaining "to the interrogation of detainee Zayn Al Abideen Abu Zabaidah" and provided to the Senate Select Committee on Intelligence by cover letter dated July 20, 2010 (DTS #2010 2939).

[117] [redacted] 10058 (171904Z APR 02)

[118] *See* Abu Zubaydah detainee review in Volume III for additional information.

[119] [redacted] 10090 (210703Z APR 02). As described in more detail in Volume II, Abu Zubaydah did provide *kunyas* for the pair.

[120] [redacted] 10063 (180515Z APR 02). As described in detail in Volume II and Volume III, as well as more briefly in this summary, Abu Zubaydah provided this information after being allowed to sleep.

the thwarting of the "Dirty Bomb Plot" and the capture of Jose Padilla.[121] However, the chief of the Abu Zubaydah Task Force stated that "AZ's info alone would never have allowed us to find them," while another CIA officer stated that the CIA was already "alert" to the threat posed by Jose Padilla, and that the CIA's "suspicion" was only "enhanced during the debriefings of Abu Zubaydah."[122] Additional information on the "Dirty Bomb Plot" and the capture of Jose Padilla is provided later in this summary.

(~~TS//[redacted]//NF~~) During the month of April 2002, which included a period during which Abu Zubaydah was hospitalized, on life support, and unable to speak, the CIA disseminated 39 intelligence reports based on his interrogations.[123] At the end of April 2002, the DETENTION SITE GREEN interrogation team provided CIA Headquarters with three interrogation strategies. CIA Headquarters chose the most coercive interrogation option, which was proposed and supported by CIA contractor SWIGERT.[124] This coercive interrogation option—which included sensory deprivation—was again opposed by the FBI special agents at the detention site.[125] The interrogation proposal was to engage in "only a single-minded, consistent, totally focused questioning of current threat information."[126] Once implemented, this approach failed to produce the information CIA Headquarters believed Abu Zubaydah possessed: threats to the United States and information about al-Qa'ida operatives located in the United States. Nonetheless, Abu Zubaydah continued to provide other intelligence. In May 2002, the CIA disseminated 56 intelligence reports based on the interrogations.[127]

(~~TS//[redacted]//NF~~) In early June 2002, the CIA interrogation team recommended that Abu Zubaydah spend several weeks in isolation while the interrogation team members departed the facility "as a means of keeping [Abu Zubaydah] off-balance and to allow the team needed time off for a break and to attend to personal matters [redacted]," as well as to discuss "the endgame" of Abu Zubaydah [redacted] with officers from CIA Headquarters.[128] As a result, from June 18, 2002, through August 4, 2002, Abu Zubaydah spent 47 days in isolation without being

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[121] *See* information in this summary and Volume II for additional details on the CIA's representations on the effectiveness of the CIA's enhanced interrogation techniques to policy makers and the Department of Justice.

[122] CIA email from: [redacted]; to: [redacted]; subject: AZ information; date: July 10, 2002, at 01:18:50 PM. The email states: "The only way we put this together is that Paki liaison mentioned to [redacted] the arrest of two individuals (one being an American) and [redacted] put two and two together. Therefore, AZ's info alone would never have allowed us to find them." *See also* SSCI Transcript "Detention of Jose Padilla," dated June 12, 2002 (DTS #2002-2603), in which a CIA officer states, "the Pakistani liaison felt it was important to bring [Padilla] to our attention, given the recent raids…there was enough information indicating that his travel was suspicious, to put us on alert. This suspicion was enhanced during the debriefings of Abu Zubaydah, which occurred on 21 April."

[123] See analysis provided to the Committee on April 18, 2011, by the CIA, based on CIA searches in 2011 of the [redacted] database. The titles of specific intelligence reports resulting from information provided by Abu Zubaydah are listed in the Abu Zubaydah detainee review in Volume III.

[124] ALEC [redacted] MAY (2)

[125] *See* email exchange from: [REDACTED]; to [REDACTED]; with multiple ccs; subject: Turning Up the Heat in the AZ Interrogations; date: April 30, 2002, at 12:02:47 PM.

[126] *See* email exchange from: [REDACTED]; to [REDACTED]; with multiple ccs; subject: Turning Up the Heat in the AZ Interrogations; date: April 30, 2002, at 12:02:47 PM.

[127] *See* analysis provided to the Committee on April 18, 2011, by the CIA, based on CIA searches in 2011 of the [redacted] database. The titles of specific intelligence reports resulting from information provided by Abu Zubaydah are listed in the Abu Zubaydah detainee review in Volume III.

[128] [redacted] 10424 (070814Z JUN 02)

asked any questions. Despite the fact that Abu Zubaydah was in isolation for nearly half of the month, the CIA disseminated 37 intelligence reports based on the interrogations of Abu Zubaydah in June 2002.[129] The CIA would later represent publicly—as well as in classified settings—that during the use of "established US Government interrogation techniques," Abu Zubaydah "stopped all cooperation" in June 2002, requiring the development of the CIA's enhanced interrogation techniques.[130] CIA records do not support this assertion.

(~~TS//[redacted]//NF~~) Prior to Abu Zubaydah's 47-day isolation period, Abu Zubaydah provided information on al-Qa'ida activities, plans, capabilities, and relationships, in addition to information on its leadership structure, including personalities, decision-making processes, training, and tactics.[131] As described in more detail in the full Committee Study, Abu Zubaydah's inability to provide information on the next attack in the United States and operatives in the United States served as the basis for CIA representations that Abu Zubaydah was "uncooperative," as well as for the CIA's determination that Abu Zubaydah required the use of what would later be known as the CIA's "enhanced interrogation techniques" to become "compliant" and reveal the information the CIA believed he was withholding. Abu Zubaydah never provided this information, and CIA officers later concluded this was information Abu Zubaydah did not possess.[132]

(~~TS//[redacted]//NF~~) After Abu Zubaydah was placed in isolation, the Abu Zubaydah interrogation team [redacted] [departed Country [redacted]]. Security and medical personnel remained at the detention site. The FBI special agents did not return to DETENTION SITE GREEN.[133]

7. *Proposal by CIA Contract Personnel to Use SERE-Based Interrogation Techniques Leads to the Development of the CIA's Enhanced Interrogation Techniques; The CIA Determines that "the Interrogation Process Takes Precedence Over Preventative Medical Procedures"*

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[129] *See* analysis provided to the Committee on April 18, 2011, by the CIA, based on CIA searches in 2011 of the [redacted] database. The titles of specific intelligence reports resulting from information provided by Abu Zubaydah are listed in the Abu Zubaydah detainee review in Volume III of the Committee Study.

[130] *See* Presidential Speech on September 6, 2006, based on CIA information and vetted by CIA personnel. *See also* ODNI September 2006 Unclassified Public Release: "During initial interrogation, Abu Zubaydah gave some information that he probably viewed as nominal. Some was important, however, including that Khalid Shaykh Mohammad (KSM) was the 9/11 mastermind and used the moniker 'Mukhtar.' This identification allowed us to comb previously collected intelligence for both names, opening up new leads to this terrorist plotter—leads that eventually resulted in his capture. It was clear to his interrogators that Abu Zubaydah possessed a great deal of information about al-Qa'ida; however, he soon stopped all cooperation. Over the ensuing months, the CIA designed a new interrogation program that would be safe, effective, and legal." *See also* CIA Director Michael Hayden, Classified Statement for the Record, Hearing on the Central Intelligence Agency Detention and Interrogation Program, April 12, 2007 (DTS #2007-1563) ("…FBI and CIA continued unsuccessfully to try to glean information from Abu Zubaydah using established US Government interrogation techniques….").

[131] *See* reporting charts in Abu Zubaydah detainee review in Volume III, as well as CIA paper entitled "Abu Zubaydah," dated March 2005. The same information is included in an "Abu Zubaydah Bio" document "Prepared on 9 August 2006."

[132] *See* Abu Zubaydah detainee review in Volume III for additional details.

[133] *See* Abu Zubaydah detainee review in Volume III for additional details.

(~~TS//[redacted]//NF~~) In early July 2002, CIA officers held several meetings at CIA Headquarters to discuss the possible use of "novel interrogation methods" on Abu Zubaydah.[134] During the course of those meetings SWIGERT proposed using techniques derived from the U.S. military's SERE (Survival, Evasion, Resistance and Escape) school.[135] SWIGERT provided a list of 12 SERE techniques for possible use by the CIA: (1) the attention grasp, (2) walling, (3) facial hold, (4) facial slap, (5) cramped confinement, (6) wall standing, (7) stress positions, (8) sleep deprivation, (9) waterboard, (10) use of diapers, (11) use of insects, and (12) mock burial.[136] SWIGERT also recommended that the CIA enter into a contract with Hammond DUNBAR, his co-author of the CIA report on potential al-Qa'ida interrogation resistance training, to aid in the CIA interrogation process.[137] Like SWIGERT, DUNBAR had never participated in a real-world interrogation. His interrogation experience was limited to the paper he authored with SWIGERT and his work with U.S. Air Force personnel at the SERE school.[138]

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[134] *See* CIA document dated, July 3, 2002, 1630 Hours, titled, "CIA Operational Update Memorandum for CIA Leadership, SENSITIVE ADDENDUM: Update on the Abu Zubaydah Operation and [redacted] Raid [redacted]."

[135] For more information on the SERE program, *see* the Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody, December 2008. *See also* statement of Senator Carl Levin on the inquiry, December 11, 2008: "SERE training is intended to be used to teach our soldiers how to resist interrogation by enemies that refuse to follow the Geneva Conventions and international law. In SERE school, our troops who are at risk of capture are exposed in a controlled environment with great protections and caution – to techniques adapted from abusive tactics used against American soldiers by enemies such as the Communist Chinese during the Korean War. SERE training techniques include stress positions, forced nudity, use of fear, sleep deprivation and, until recently, the Navy SERE school used the waterboard. These techniques were designed to give our students a taste of what they might be subjected to if captured by a ruthless, lawless enemy so that they would be better prepared to resist. The techniques were never intended to be used against detainees in U.S. custody. As one [Joint Personnel Recovery Agency (JPRA)] instructor explained, SERE training is based on illegal exploitation (under the rules listed in the 1949 Geneva Convention Relative to the Treatment of Prisoners of War) of prisoners over the last 50 years."

[136] Email from: [redacted]; to: [redacted]; subject: Description of Physical Pressures; date: July 8, 2002, at 04:15:15 PM.

[137] ALEC [redacted] (051724Z JUL 02)

[138] *See* Resume, Hammond DUNBAR, submitted to the CIA in March 2003. In a section on "Interrogation and Debriefing Experience," DUNBAR's 2003 resume noted that he had been a "debriefer for all USG DOD and Civilian [redacted].)." All other experience in the section related to his interrogation experience as a contractor for the CIA beginning in 2002. DUNBAR's resume did state that he had participated in an interrogation training course in [redacted] in 1992, and that he had taken a one-week Defense Interrogation Course at some point in 2002, although his resume does not indicate whether this was prior to, or after, the interrogation of Abu Zubaydah. The CIA's June 2013 Response states that the Committee Study was "incorrect… in asserting that the contractors selected had no relevant experience." The CIA's June 2013 Response notes SWIGERT and DUNBAR's experience at the Department of Defense SERE school, and SWIGERT's "academic research" and "research papers" on "such topics as resistance training, captivity familiarization, and learned helplessness - all of which were relevant to the development of the program." The CIA's June 2013 Response does not describe any experience related to actual interrogations or counterterrorism, or any relevant cultural, geographic, or linguistic expertise. The CIA's June 2013 Response provides the following explanation: "Drs. [SWIGERT] and [DUNBAR] had the closest proximate expertise CIA sought at the beginning of the program, specifically in the area of *non-standard means of interrogation*. Experts on traditional interrogation methods did not meet this requirement. Non-standard interrogation methodologies were not an area of expertise of CIA officers or of the US Government generally. We believe their expertise was so unique that we would have been derelict had we not sought them out when it became clear that CIA would be heading into the uncharted territory of the program" (italics and emphasis in original). As noted above, the CIA did not seek out SWIGERT and DUNBAR after a decision was made to use coercive interrogation techniques; rather, SWIGERT and DUNBAR played a role in convincing the CIA to adopt such a policy.

(~~TS//~~ [redacted] ~~//NF~~) In May 2003, a senior CIA interrogator would tell personnel from the CIA's Office of Inspector General that SWIGERT and DUNBAR's SERE school model was based on resisting North Vietnamese "physical torture" and was designed to extract "confessions for propaganda purposes" from U.S. airmen "who possessed little actionable intelligence." The CIA, he believed, "need[ed] a different working model for interrogating terrorists where confessions are not the ultimate goal."[139]

(~~TS//~~ [redacted] ~~//NF~~) After the July 2002 meetings, the CIA's [redacted] CTC Legal, [redacted], drafted a letter to Attorney General John Ashcroft asking the Department of Justice for "a formal declination of prosecution, in advance, for any employees of the United States, as well as any other personnel acting on behalf of the United States, who may employ methods in the interrogation of Abu Zubaydah that otherwise might subject those individuals to prosecution."[140] The letter further indicated that "the interrogation team had concluded" that "the use of more aggressive methods is required to persuade Abu Zubaydah to provide the critical information we need to safeguard the lives of innumerable innocent men, women and children within the United States and abroad." The letter added that these "aggressive methods" would otherwise be prohibited by the torture statute, "apart from potential reliance upon the doctrines of necessity or of self-defense."[141] This letter was circulated internally at the CIA, including to SWIGERT; however, there are no records to indicate it was provided to the attorney general.[142]

(~~TS//~~ [redacted] ~~//NF~~) On July 13, 2002, [redacted] CTC Legal, [redacted], and the CIA's acting general counsel, John Rizzo, met with attorneys from the National Security Council and the Department of Justice Office of Legal Counsel (OLC), as well as with Michael Chertoff, the head of the Department of Justice Criminal Division, and Daniel Levin, the chief of staff to the FBI director, to provide an overview of the CIA's proposed interrogation techniques and to ask for a formal, definitive DOJ opinion regarding the lawfulness of employing the specific CIA interrogation techniques against Abu Zubaydah.[143]

(~~TS//~~ [redacted] ~~//NF~~) The CIA attorneys described the 12 proposed interrogation techniques and told the Department of Justice and National Security Council attorneys that Abu Zubaydah continued to withhold critical intelligence on the identities of al-Qa'ida personnel in the United States and planned al-Qa'ida attacks. The CIA attorneys also told the group that CIA officers were complemented by:

> "expert personnel retained on contract who possess extensive experience, gained within the Department of Defense, on the psychological and physical

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[139] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, October 22, 2003. The senior interrogator had participated in the use of the CIA's enhanced interrogation techniques with SWIGERT and DUNBAR.

[140] Email from: [redacted]; to: [redacted]; subject: EYES ONLY- DRAFT; date: July 8, 2002.

[141] Email from: [redacted]; to: [redacted]; subject: EYES ONLY- DRAFT; date: July 8, 2002.

[142] Email from: [redacted]; to: [redacted]; subject: EYES ONLY- DRAFT; date: July 8, 2002.

[143] DIRECTOR [redacted] (031357Z AUG 02)

methods of interrogation and the resistance techniques employed as countermeasures to such interrogation."[144]

(~~TS//[redacted]//NF~~) According to the CIA cable describing the meeting, the representatives from the OLC, including Deputy Assistant Attorney General John Yoo, advised that the criminal prohibition on torture would not prohibit the methods proposed by the interrogation team because of the absence of any specific intent to inflict severe physical or mental pain or suffering.[145] On July 13, 2002, Yoo sent an unclassified letter to the CIA's acting general counsel describing his interpretation of the statute.[146]

(~~TS//[redacted]//NF~~) Despite the initial view expressed by Yoo that the use of the proposed CIA interrogation techniques would be lawful, on July 17, 2002, National Security Advisor Condoleezza Rice requested a delay in the approval of the interrogation techniques for Abu Zubaydah's interrogation until the attorney general issued an opinion.[147] The following day, Rice and Deputy National Security Advisor Stephen Hadley requested that the Department of Justice "delay the approval of the memo detailing the next phase of interrogations" until the CIA provided specific details on its proposed interrogation techniques and "an explanation of why the CIA is confident these techniques will not cause lasting and irreparable harm to Abu Zubaydah."[148] Rice asked the CIA to provide the OLC with a description of each of the planned interrogation techniques, and to "gather and provide any available empirical data on the reactions and likelihood of prolonged mental harm from the use of the 'water board' and the staged burial."[149]

(~~TS//[redacted]//NF~~) On July 15, 2002, a cable providing details on the proposed interrogation phase stated that only the DETENTION SITE GREEN chief of Base would be allowed to interrupt or stop an interrogation in process, and that the chief of Base would be the final decision-making authority as to whether the CIA's interrogation techniques applied to Abu Zubaydah would be discontinued.[150] The CIA officers at the detention site added:

"If [Abu Zubaydah] develops a serious medical condition which may involve a host of conditions including a heart attack or another catastrophic type of condition, all efforts will be made to ensure that proper medical care will be provided to [him]. In the event [Abu Zubaydah] dies, we need to be prepared to act accordingly, keeping in mind the liaison equities involving our hosts."[151]

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[144] DIRECTOR [redacted] (031357Z AUG 02)
[145] DIRECTOR [redacted] (031357Z AUG 02)
[146] July 13, 2002, Letter from John Yoo, Deputy Assistant Attorney General to John Rizzo, Acting General Counsel, CIA.
[147] Memorandum for the Record from John H. Moseman, Chief of Staff, re: NSC Weekly Meeting, July 17, 2002.
[148] July 19, 2002, 1630 Hours, CIA Operational Update Memorandum for CIA Leadership, SENSITIVE ADDENDUM: Update on the Abu Zubaydah Operation and [redacted] Raid [redacted].
[149] July 21, 2002, 1630 Hours, CIA Operational Update Memorandum for CIA Leadership, SENSITIVE ADDENDUM: Update on the Abu Zubaydah Operation and [redacted] Raid [redacted].
[150] [redacted] 10536 (151006Z JUL 02)
[151] [redacted] 10536 (151006Z JUL 02)

(~~TS//[redacted]//NF~~) To address these issues, the cable stated that if Abu Zubaydah were to die during the interrogation, he would be cremated.[152] The interrogation team closed the cable by stating:

> "regardless which [disposition] option we follow however, and especially in light of the planned psychological pressure techniques to be implemented, we need to get reasonable assurances that [Abu Zubaydah] will remain in isolation and incommunicado for the remainder of his life."[153]

(~~TS//[redacted]//NF~~) Officers from the CIA's ALEC Station responded to the interrogation team's comments several days later. Their cable noted that the interrogation team was correct in its "understanding that the interrogation process takes precedence over preventative medical procedures."[154] ALEC Station further observed:

> "There is a fairly unanimous sentiment within HQS that [Abu Zubaydah] will never be placed in a situation where he has any significant contact with others and/or has the opportunity to be released. While it is difficult to discuss specifics at this point, all major players are in concurrence that [Abu Zubaydah] should remain incommunicado for the remainder of his life. This may preclude [Abu Zubaydah] from being turned over to another country, but a final decision regarding his future incarceration condition has yet to be made."[155]

(~~TS//[redacted]//NF~~) As a result of the request by National Security Advisor Rice for additional research on the CIA's proposed interrogation techniques, CIA and DOJ personnel contacted individuals at the Department of Defense's Joint Personnel Recovery Agency (JPRA), the agency that administers the SERE school, to gather information about the effects of using the techniques in training exercises.[156] According to CIA officer [redacted], who had [redacted] joined the CIA's OTS after [redacted] years at JPRA, an individual with SERE school experience commented that "information gleaned via harsh treatment may not be accurate, as the prisoner may say anything to avoid further pain," and that "[c]urrent doctrine for interrogations conducted in the permanent phase of capture may lean towards 'soft' or 'indirect' rounds of questioning."[157]

(~~TS//[redacted]//NF~~) Pursuant to National Security Advisor Rice's request, CIA Headquarters personnel also requested information from the interrogation team—particularly

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[152] [redacted] 10536 (151006Z JUL 02)
[153] [redacted] 10536 (151006Z JUL 02)
[154] ALEC [redacted] (182321Z JUL 02)
[155] ALEC [redacted] (182321Z JUL 02)
[156] Email from: [redacted]; to: [REDACTED]; subject: Request for JPRA information; date: July 19, 2002; July 24, 2002, fax from [redacted] to John Yoo and [REDACTED] providing information from the OTS/OAD psychologists; email from: [redacted]; to: [redacted], [REDACTED], [REDACTED], [redacted]; subject: Discussion with JPRA Chief of Staff; date: July 24, 2002.
[157] Email from: [redacted]; to: [REDACTED]; subject: Request for JPRA information; date: July 19, 2002. Records indicate that [redacted]'s notes were not provided to the Department of Justice. In November 2002, [redacted], along with Chief of Interrogations [redacted], led the first CIA interrogator training course.

SWIGERT and DUNBAR—about the psychological effects of the use of the waterboard and mock burial. The chief of Base at DETENTION SITE GREEN responded by cable noting that:

> "We are a nation of laws and we do not wish to parse words. A bottom line in considering the new measures proposed is that [Abu Zubaydah] is being held in solitary confinement, against his will, without legal representation, as an enemy of our country, our society and our people. Therefore, while the techniques described in Headquarters meetings and below are administered to student volunteers in the U.S. in a harmless way, with no measurable impact on the psyche of the volunteer, we do not believe we can assure the same here for a man forced through these processes and who will be made to believe this is the future course of the remainder of his life. Station, [DETENTION SITE GREEN chief of Base] and [DETENTION SITE GREEN] personnel will make every effort possible to insure [sic] that subject is not permanently physically or mental harmed but we should not say at the outset of this process that there is no risk."[158]

(~~TS//[redacted]//NF~~) As former psychologists for the United States Air Force, SWIGERT and DUNBAR had no direct experience with the waterboard, as it was not used in Air Force SERE training. Nonetheless, they indicated that the waterboard—which they described as an "absolutely convincing technique"—was necessary to overwhelm Abu Zubaydah's ability to resist.[159] They also responded that they were aware that the Navy—which used the waterboard technique in training—had not reported any significant long-term consequences on individuals from its use. Unlike the CIA's subsequent use of the waterboard, however, the Navy's use of the technique was a single training exercise and did not extend to multiple sessions. SWIGERT and DUNBAR wrote:

> "any physical pressure applied to extremes can cause severe mental pain or suffering. Hooding, the use of loud music, sleep deprivation, controlling darkness and light, slapping, walling, or the use of stress positions taken to extreme can have the same outcome. The safety of any technique lies primarily in how it is applied and monitored."[160]

(~~TS//[redacted]//NF~~) On July 24, 2002, the attorney general verbally approved the use of 10 interrogation techniques, which included: the attention grasp, walling, the facial hold, the facial slap (insult slap), cramped confinement, wall standing, stress positions, sleep deprivation, use of diapers, and use of insects.[161] The interrogation team, however, indicated that they intended to wait for the approval to use the waterboard before proceeding with their interrogation of Abu Zubaydah. On July 26, 2002, the attorney general verbally approved the

[158] [REDACTED] 73208 (231043Z JUL 02)
[159] [redacted] 10568 (261101Z JUL 02)
[160] [REDACTED] 73208 (231043Z JUL 02)
[161] DIRECTOR [redacted] (251609Z AUG 02)

use of the waterboard.[162] The OLC finalized its classified written legal opinion on August 1, 2002. The earlier CIA request to conduct a mock burial was not formally considered by the OLC. The approved interrogation techniques, along with other CIA interrogation techniques that were subsequently identified and used by the CIA, are referred to as the CIA's "enhanced interrogation techniques," or more commonly by the CIA as "EITs."

(~~TS//[redacted]//NF~~) In the course of seeking approval to use the techniques, CIA Headquarters advised the Department of Justice and the national security advisor that "countless more Americans may die unless we can persuade AZ to tell us what he knows." CIA Headquarters further represented that the DETENTION SITE GREEN interrogation team believed "Abu Zubaydah continues to withhold critical threat information," and "that in order to persuade him to provide" that information, "the use of more aggressive techniques is required."[163] The cable to DETENTION SITE GREEN from CIA Headquarters documenting the information CIA Headquarters had provided to the Department of Justice warned that "[t]he legal conclusions are predicated upon the determinations by the interrogation team that Abu Zubaydah continues to withhold critical threat information."[164] According to cables, however, the CIA interrogators at the detention site had not determined that "the use of more aggressive techniques was required" to "persuade" Abu Zubaydah to provide threat information. Rather, the interrogation team believed the objective of the coercive interrogation techniques was to confirm Abu Zubaydah did not have additional information on threats to the United States, writing:

> "Our assumption is the objective of this operation is to achieve a high degree of confidence that [Abu Zubaydah] is not holding back actionable information concerning threats to the United States beyond that which [Abu Zubaydah] has already provided."[165]

(~~TS//[redacted]//NF~~) As is described in this summary, and in more detail in the full Committee Study, the interrogation team later deemed the use of the CIA's enhanced interrogation techniques a success, not because it resulted in critical threat information, but because it provided further evidence that Abu Zubaydah had not been withholding the aforementioned information from the interrogators.[166]

8. *The CIA Obtains Legal and Policy Approval for Its Enhanced Interrogation Techniques; The CIA Does Not Brief the President*

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[162] Email from: [redacted]; to: Jose Rodriguez, [REDACTED], [redacted], [REDACTED]; subject: EYES ONLY -- Where we stand re: Abu Zubaydah; date: July 26, 2002. *See also* [redacted] 10568 (261101Z JUL 02).
[163] DIRECTOR [redacted] (031357Z AUG 02)
[164] DIRECTOR [redacted] (031357Z AUG 02)
[165] [REDACTED] 73208 (231043Z JUL 02) and email from: [redacted]; to: [REDACTED], [REDACTED], and [redacted]; subject: Addendum from [DETENTION SITE GREEN], [REDACTED] 73208 (231043Z JUL 02); date: July 23, 2002, at 07:56:49 PM.
[166] [redacted] 10644 (201235Z AUG 02)

(~~TS//[redacted]//NF~~) As described, CIA officers represented to National Security Advisor Rice that Abu Zubaydah was withholding information on pending attacks and operatives in the United States. On July 31, 2002, Rice informed Deputy DCI John McLaughlin that, in balancing the application of the CIA's enhanced interrogation techniques against the possible loss of American lives, she would not object to the CIA's enhanced interrogation techniques if the attorney general determined them to be legal.[167]

(~~TS//[redacted]//NF~~) During the month of July 2002, the CIA anticipated that the president would need to approve the use of the CIA's enhanced interrogation techniques before they could be used. Therefore, in late July 2002, the CIA prepared talking points for a briefing of the president. These draft talking points indicated that the CIA was planning to use interrogation techniques beyond what was normally permitted by law enforcement, and included a brief description of the waterboard interrogation technique. On August 1, 2002, based on comments from White House Counsel Alberto Gonzales, the talking points were revised to eliminate references to the waterboard.[168] CIA records indicate, however, that the talking points were not used to brief the president. On August 2, 2002, the National Security Council legal advisor informed the DCI's chief of staff that "Dr. Rice had been informed that there would be no briefing of the President on this matter,"[169] but that the DCI had policy approval to employ the CIA's enhanced interrogation techniques.[170]

(~~TS//[redacted]//NF~~) CIA records state that prior to the use of the CIA's enhanced interrogation techniques on Abu Zubaydah in 2002, the CIA did not brief Secretary of State Colin Powell or Secretary of Defense Donald Rumsfeld, two members of the National Security Council, on the techniques.[171] The Committee, including the chairman and vice chairman, was also not briefed on the CIA's enhanced interrogation techniques prior to their use.[172]

(~~TS//[redacted]//NF~~) Approximately a year later, on July 31, 2003, senior CIA personnel believed the president had still not been briefed on the CIA's enhanced interrogation techniques.[173] In August 2003, DCI Tenet told the CIA Office of Inspector General that "he had never spoken to the President regarding the detention and interrogation program or EITs, nor was

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[167] Memorandum for the Record from John Moseman, Chief of Staff, re: NSC Weekly Meeting, July 31, 2002.
[168] July 26, 2001, DCI Talking Points with the President- Next Phase of the Abu Zubaydah Interrogation; July 31, 2001, DCI Talking Points with the President- Next Phase of the Abu Zubaydah Interrogation. Note that the draft document lists the incorrect year.
[169] CIA records do not indicate who informed National Security Advisor Rice "that there would be no briefing of the President on this matter."
[170] Email from: John Moseman; to: John McLaughlin, Jose Rodriguez, [REDACTED], John Rizzo, [REDACTED]; subject: Abu-Z Interrogation; date: August 2, 2002.
[171] Email from: John Rizzo; to: [redacted]; subject: Rump PC on interrogations; date: July 31, 2003.
[172] *See* Volume II for additional information on congressional briefings.
[173] An email from CIA Senior Deputy General Counsel John Rizzo stated that "the President will be briefed as part of the regular annual [covert action] review. Briefing (by Rice or VP or Counsel to the President or some combination thereof) will describe the interrogation program, the fact that some aggressive but AG-approved techniques have been used, but will not apparently get into the details of the techniques themselves." *See* email from: John Rizzo; to: [redacted]; subject: Rump PC on interrogations; date: July 31, 2003.

he aware of whether the President had been briefed by his staff."[174] The May 2004 CIA Inspector General Special Review included a recommendation for the DCI to:

> "Brief the President regarding the implementation of the Agency's detention and interrogation activities pursuant to the MON of 17 September 2001 or any other authorities, including the use of EITs and the fact that detainees have died. This Recommendation is significant."[175]

(~~TS//[redacted]//NF~~) In transmitting the Special Review to the Committee, DCI Tenet responded to the recommendation, noting only that "[t]he DCI will determine whether and to what extent the President requires a briefing on the Program."[176] On April 6, 2006, CIA Inspector General Helgerson responded to a request from Committee Vice Chairman John D. Rockefeller IV on the status of corrective actions taken in response to the Special Review recommendations. With regard to a briefing for the president, Helgerson wrote: "Consistent with this recommendation, DCI Tenet, before he left office, and Director Goss, shortly after taking office, both advised me that they had made requests to brief the President."[177] Prepared "Questions and Answers" for the National Security Council principals in connection with the disclosure of the program in September 2006 and subsequent media outreach also suggest that the president was not briefed at the outset about the CIA's interrogation techniques. In response to the potential question: "What role did the President play…Was he briefed on the interrogation techniques, and if so when?" the proposed answer did not assert that the president was briefed, but rather that the "President was not of course involved in CIA's day to day operations – including who should be held by CIA and how they should be questioned – these decisions are made or overseen by CIA Directors."[178]

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[174] Office of General Counsel Comments on Counterterrorism Detention and Interrogation Program Special Review, at 23 ("[i]n August 2003, the DCI advised OIG…"); CIA Office of Inspector General, Interview of George Tenet, memorandum dated 8 September 2003, Subject: 2003-7123-IG, Review of Interrogation for Counterterrorism Purposes.

[175] Inspector General, Special Review, Counterterrorism Detention and Interrogation Activities (September 2001-October 2003), May 7, 2004 (DTS #2004-2710).

[176] Letter from George J. Tenet to Chairman Pat Roberts, June 22, 2004 (DTS #2004-2710).

[177] Helgerson then added, "Additionally, public disclosure of many of these activities ensured wide awareness. In light of these developments, I consider the matter closed." The Helgerson letter does not indicate to whom Directors Tenet and Goss, who met regularly with the President, submitted requests to brief the President about the program. *See* letter from John L. Helgerson to Vice Chairman John D. Rockefeller IV, April 5, 2006 (DTS #2006-1564). The CIA's June 2013 Response does not dispute these records. It states, however, that "[w]hile Agency records on the subject are admittedly incomplete, former President Bush has stated in his autobiography that he discussed the program, including the use of enhanced techniques, with DCIA Tenet in 2002, prior to application of the techniques on Abu Zubaydah, and personally approved the techniques." A subsequent memoir by former CIA Acting General Counsel John Rizzo (published January 7, 2014) states, "The one senior U.S. Government national security official during this time—from August 2002 through 2003—who I did not believe was knowledgeable about the E.I.T.s was President Bush himself. He was not present at any of the Principal Committee meetings … and none of the principals at any of the E.I.T. sessions during this period ever alluded to the President knowing anything about them."

[178] Included in the packet of CIA information was the following: "Question: 'What role did the President play in authorizing this program? Did he select detainees held by CIA or direct their interrogation? Was he briefed on the interrogation techniques, and if so when?' Answer: 'In the days after 9/11, the President directed that all the instruments of national power, including the resources of our intelligence, military, and law enforcement communities, be employed to fight and win the war against al Qaeda and its affiliates, within the bounds of the law.

(~~TS//[redacted]//NF~~) CIA records indicate that the first CIA briefing for the president on the CIA's enhanced interrogation techniques occurred on April 8, 2006.[179] CIA records state that when the president was briefed, he expressed discomfort with the "image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself."[180]

9. The CIA Uses the Waterboard and Other Enhanced Interrogation Techniques Against Abu Zubaydah

(~~TS//[redacted]//NF~~) On August 3, 2002, CIA Headquarters informed the interrogation team at DETENTION SITE GREEN that it had formal approval to apply the CIA's enhanced interrogation techniques, including the waterboard, against Abu Zubaydah. According to CIA records, only the two CIA contractors, SWIGERT and DUNBAR, were to have contact with Abu Zubaydah. Other CIA personnel at DETENTION SITE GREEN – including CIA medical personnel and other CIA "interrogators with whom he is familiar" – were only to observe.[181]

(~~TS//[redacted]//NF~~) From August 4, 2002, through August 23, 2002, the CIA subjected Abu Zubaydah to its enhanced interrogation techniques on a near 24-hour-per-day basis. After Abu Zubaydah had been in complete isolation for 47 days, the most aggressive interrogation phase began at approximately 11:50 AM on August 4, 2002.[182] Security personnel entered the cell, shackled and hooded Abu Zubaydah, and removed his towel (Abu Zubaydah was then naked). Without asking any questions, the interrogators placed a rolled towel around his neck as a collar, and backed him up into the cell wall (an interrogator later acknowledged the collar was

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This included important, new roles for CIA in detaining and questioning terrorists. [He was periodically updated by CIA Directors on significant captures of terrorists, and information obtained that helped stop attacks and led to capture of other terrorists.] [The President was not of course involved in CIA's day to day operations – including who should be held by CIA and how they should be questioned – these decisions are made or overseen by CIA Directors].'" *See* Draft Questions and Proposed Answers, attached to Memorandum from National Security Advisor Stephen J. Hadley; for: the Vice President, Secretaries of State and Defense, the Attorney General, Director of National Intelligence and Chairman of the Joint Chiefs of Staff; cc: chief of staff to the President, Counsel to the President, Assistant to the President for National Security, White House Spokesman, dated September 2, 2006. Brackets in the original.

[179] *See* April 16, 2008, CIA "Backgrounder: Chronology of Interrogation Approvals, 2001-2003" (noting that "CIA documentation and discussions with Presidential briefers and individuals involved with the interrogation program at the time suggest that details on enhanced interrogation techniques (EITs) were not shared with the President" in the 2001-2003 timeframe); CIA Q&A, Topic: Waterboarding ("The information we have indicates the President was not briefed by CIA regarding the specific interrogation techniques until April 2006, and at that time DCIA Goss briefed him on the seven EITs proposed at that time for the post-Detainee Treatment Act CIA interrogation program."). As described, in the April 2006 briefing the President "expressed discomfort" with the "image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself." *See* email from: Grayson SWIGERT; to: [REDACTED]; cc: [redacted]; subject: Dr. SWIGERT's 7 June meeting with DCI; date: June 7, 2006.

[180] Email from: Grayson SWIGERT; to: [REDACTED]; cc: [redacted]; subject: Dr. SWIGERT's 7 June meeting with DCI; date: June 7, 2006.

[181] Increased Pressure in the Next Phase of the Abu Zubaydah Interrogations, Attachment to email from: [REDACTED]; to: [REDACTED]; cc: [redacted], [REDACTED], [redacted], [REDACTED], [REDACTED]; subject: Increased Pressure Phase – for DCI Sensitive Addendum; date: July 10, 2002.

[182] [redacted] 10586 (041559Z AUG 02)

used to slam Abu Zubaydah against a concrete wall).[183] The interrogators then removed the hood, performed an attention grab, and had Abu Zubaydah watch while a large confinement box was brought into the cell and laid on the floor.[184] A cable states Abu Zubaydah "was unhooded and the large confinement box was carried into the interrogation room and paced [sic] on the floor so as to appear as a coffin."[185] The interrogators then demanded detailed and verifiable information on terrorist operations planned against the United States, including the names, phone numbers, email addresses, weapon caches, and safe houses of anyone involved. CIA records describe Abu Zubaydah as appearing apprehensive. Each time Abu Zubaydah denied having additional information, the interrogators would perform a facial slap or face grab.[186] At approximately 6:20 PM, Abu Zubaydah was waterboarded for the first time. Over a two-and-a-half-hour period, Abu Zubaydah coughed, vomited, and had "involuntary spasms of the torso and extremities" during waterboarding.[187] Detention site personnel noted that "throughout the process [Abu Zubaydah] was asked and given the opportunity to respond to questions about threats" to the United States, but Abu Zubaydah continued to maintain that he did not have any additional information to provide.[188] In an email to OMS leadership entitled, "So it begins," a medical officer wrote:

> "The sessions accelerated rapidly progressing quickly to the water board after large box, walling, and small box periods. [Abu Zubaydah] seems very resistant to the water board. Longest time with the cloth over his face so far has been 17 seconds. This is sure to increase shortly. NO useful information

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[183] *See* email from: [REDACTED]; to: [redacted]; subject: Subject detainee allegation – per our telcon of today; date: March 28, 2007, at 04:42 PM, which states Abu Zubaydah claims "a collar was used to slam him against a concrete wall. While we do not have a record that this occurred, one interrogator at the site at the time confirmed that this did indeed happen. For the record, a plywood 'wall' was immediately constructed at the site after the walling on the concrete wall."

[184] [redacted] 10644 (201235Z AUG 02)

[185] 10586 (041559Z AUG 02)

[186] 10586 (041559Z AUG 02); [redacted] 10644 (201235Z AUG 02)

[187] 10644 (201235Z AUG 02)

[188] 10586 (041559Z AUG 02). CIA contractor DUNBAR later told the CIA OIG that "[t]heir instructions from [chief of Base] were to focus on only one issue, that is, Zubaydah's knowledge of plans to attack the U.S." According to the OIG's record of the interview, "[DUNBAR] and [SWIGERT] could ask that question in a number of ways, but it was the only theme they were authorized by [chief of Base] to use with [Abu] Zubaydah." (*See* February 10, 2003, interview report of Hammond DUNBAR, Office of the Inspector General.) The acting chief of Station in Country [redacted], in an interview with the CIA OIG, stated that "there were days at [DETENTION SITE GREEN] when the team had no requirements from Headquarters," and that CTC did not give the chief of Base (COB) the "flexibility as COB to ask other questions" besides those related to threats to the United States. (*See* May 28, 2003, interview report of [redacted], Office of the Inspector General.) The chief of Support Services at the CIA Station stated that "[SWIGERT] and [DUNBAR] were frustrated that they kept beating Zubaydah up on the same question while getting the same physiologic response from him." (*See* May 21, 2003, interview report of [redacted], Office of the Inspector General.) Other interviewees described how analytical assumptions about Abu Zubaydah drove the interrogation process. (*See* May 22, 2003, interview report of [redacted], Office of the Inspector General; and February 27, 2003, interview report of [redacted], Office of the Inspector General.) Chief of CTC, Jose Rodriguez, told the OIG that "CTC subject matter experts" pointed to intelligence that they said indicated that Abu Zubaydah knew more than he was admitting and thus disagreed with the assessment from DETENTION SITE GREEN that Abu Zubaydah was "compliant." According to the OIG's record of the Jose Rodriguez interview, "disagreement between the analysts and interrogators can be healthy, but in this case Rodriguez believes that the analysts were wrong." (*See* interview of Jose Rodriguez, Office of the Inspector General, March 6, 2003.)

> so far….He did vomit a couple of times during the water board with some beans and rice. It's been 10 hours since he ate so this is surprising and disturbing. We plan to only feed Ensure for a while now. I'm head[ing] back for another water board session."[189]

(~~TS//~~ [redacted] ~~//NF~~) The use of the CIA's enhanced interrogation techniques—including "walling, attention grasps, slapping, facial hold, stress positions, cramped confinement, white noise and sleep deprivation" –continued in "varying combinations, 24 hours a day" for 17 straight days, through August 20, 2002.[190] When Abu Zubaydah was left alone during this period, he was placed in a stress position, left on the waterboard with a cloth over his face, or locked in one of two confinement boxes. According to the cables, Abu Zubaydah was also subjected to the waterboard "2-4 times a day…with multiple iterations of the watering cycle during each application."[191]

(~~TS//~~ [redacted] ~~//NF~~) The "aggressive phase of interrogation" continued until August 23, 2002.[192] Over the course of the entire 20 day "aggressive phase of interrogation," Abu Zubaydah spent a total of 266 hours (11 days, 2 hours) in the large (coffin size) confinement box and 29 hours in a small confinement box, which had a width of 21 inches, a depth of 2.5 feet, and a height of 2.5 feet. The CIA interrogators told Abu Zubaydah that the only way he would leave the facility was in the coffin-shaped confinement box.[193]

(~~TS//~~ [redacted] ~~//NF~~) According to the daily cables from DETENTION SITE GREEN, Abu Zubaydah frequently "cried," "begged," "pleaded," and "whimpered," but continued to deny that he had any additional information on current threats to, or operatives in, the United States.[194]

(~~TS//~~ [redacted] ~~//NF~~) By August 9, 2002, the sixth day of the interrogation period, the interrogation team informed CIA Headquarters that they had come to the "collective preliminary assessment" that it was unlikely Abu Zubaydah "had actionable new information about current threats to the United States."[195] On August 10, 2002, the interrogation team stated that it was "highly unlikely" that Abu Zubaydah possessed the information they were seeking.[196] On the same day, the interrogation team reiterated a request for personnel from CIA Headquarters to

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[189] Emphasis in the original. Email from: [REDACTED]; to: [redacted] and [REDACTED]; subject: Re: So it begins; date: August 4, 2002, at 09:45:09AM. CIA Director Hayden informed the Committee in 2007 that "in the section [of the ICRC report] on medical care, the report omits key contextual facts. For example, Abu Zubaydah's statement that he was given only Ensure and water for two to three weeks fails to mention the fact that he was on a liquid diet quite appropriate because he was recovering from abdominal surgery at the time."

[190] [redacted] 10644 (201235Z AUG 02). For the first 17 days, the CIA's enhanced interrogation techniques were used against Abu Zubaydah in "varying combinations, 24 hours a day." The "aggressive phase," as defined by the CIA, continued for an additional three days. The CIA continued to use its enhanced interrogation techniques against Abu Zubaydah until August 30, 2002.

[191] [redacted] 10644 (201235Z AUG 02)

[192] 10667 (231206Z AUG 02); [redacted] 10672 (240229Z AUG 02)

[193] 10615 (120619Z AUG 02)

[194] 10644 (201235Z AUG 02)

[195] 10604 (091624Z AUG 02)

[196] [redacted] 10607 (100335Z AUG 02)

travel to the detention site to view the interrogations. A cable stated that the team believed that a "first-hand, on-the-ground look is best," but if CIA Headquarters personnel could not visit, a video teleconference would suffice.[197] DETENTION SITE GREEN personnel also informed CIA Headquarters that it was their assessment that the application of the CIA's enhanced interrogation techniques was "approach[ing] the legal limit."[198] The chief of CTC, Jose Rodriguez, responded:

> "Strongly urge that any speculative language as to the legality of given activities or, more precisely, judgment calls as to their legality vis-à-vis operational guidelines for this activity agreed upon and vetted at the most senior levels of the agency, be refrained from in written traffic (email or cable traffic). Such language is not helpful."[199]

(~~TS//[redacted]//NF~~) DETENTION SITE GREEN cables describe Abu Zubaydah as "compliant," informing CIA Headquarters that when the interrogator "raised his eyebrow, without instructions," Abu Zubaydah "slowly walked on his own to the water table and sat down."[200] When the interrogator "snapped his fingers twice," Abu Zubaydah would lie flat on the waterboard.[201] Despite the assessment of personnel at the detention site that Abu Zubaydah was compliant, CIA Headquarters stated that they continued to believe that Abu Zubaydah was withholding threat information and instructed the CIA interrogators to continue using the CIA's enhanced interrogation techniques.[202]

(~~TS//[redacted]//NF~~) At times Abu Zubaydah was described as "hysterical"[203] and "distressed to the level that he was unable to effectively communicate."[204] Waterboarding sessions "resulted in immediate fluid intake and involuntary leg, chest and arm spasms" and "hysterical pleas."[205] In at least one waterboarding session, Abu Zubaydah "became completely

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[197] [redacted] 10607 (100335Z AUG 02). On August [redacted], 2002, a video-conference between DETENTION SITE GREEN and CIA Headquarters occurred, which included an interrogation video described by the interrogation team as "quite graphic" and possibly "disturbing to some viewers." After the video-conference, CIA Headquarters instructed DETENTION SITE GREEN to continue the use of the CIA's enhanced interrogation techniques against Abu Zubaydah, but agreed to send two CIA Headquarters officers to the detention site to observe the interrogations first-hand. On August [redacted], 2002, a team from CIA Headquarters, including [redacted] CTC Legal [redacted] and Deputy Chief of ALEC Station [redacted], visited DETENTION SITE GREEN and observed the use of the CIA's enhanced interrogation techniques, including waterboarding. The "aggressive phase of interrogation" ended [redacted] days after the arrival of the officers from CIA Headquarters. *See* [redacted] 10616 ([redacted] AUG 02); ALEC [redacted] ([redacted] AUG 02); [redacted] 10643 ([redacted] AUG 02); [redacted] 10667 (231206Z AUG 02); and [redacted] 10672 (240229Z AUG 02).

[198] [redacted] 10607 (100335Z AUG 02)

[199] Email from: Jose Rodriguez; to: [REDACTED]; subject: [DETENTION SITE GREEN]; date: August 12, 2002, with attachment of earlier email from: [REDACTED]; to: [REDACTED].

[200] [redacted] 10614 (111633Z AUG 02)

[201] [redacted] 10614 (111633Z AUG 02)

[202] *See*, for example, ALEC [redacted] (101728 AUG 02); ALEC [redacted] (130034Z AUG 02); ALEC [redacted] AUG 02); and [redacted] 10700 (280820Z AUG 02).

[203] [redacted] 10644 (201235Z AUG 02)

[204] [redacted] 10643 (191518Z AUG 02)

[205] [redacted] 10643 (191518Z AUG 02)

unresponsive, with bubbles rising through his open, full mouth."[206] According to CIA records, Abu Zubaydah remained unresponsive until medical intervention, when he regained consciousness and expelled "copious amounts of liquid." This experience with the waterboard was referenced in emails, but was not documented or otherwise noted in CIA cables.[207] When two CIA Headquarters officers later compared the Abu Zubaydah interrogation videotapes to the cable record, neither commented on this session. A review of the catalog of videotapes, however, found that recordings of a 21-hour period, which included two waterboarding sessions, were missing.[208]

(~~TS//~~ [redacted] ~~//NF~~) CIA personnel at DETENTION SITE GREEN reported being disturbed by the use of the CIA's enhanced interrogation techniques against Abu Zubaydah. CIA records include the following reactions and comments by CIA personnel:

- August 5, 2002: "want to caution [medical officer] that this is almost certainly not a place he's ever been before in his medical career…It is visually and psychologically very uncomfortable."[209]

- August 8, 2002: "Today's first session…had a profound effect on all staff members present…it seems the collective opinion that we should not go much further…everyone seems strong for now but if the group has to continue…we cannot guarantee how much longer."[210]

- August 8, 2002: "Several on the team profoundly affected…some to the point of tears and choking up."[211]

[206] The description of the episode stated that "on being righted, he failed to respond until the interrogators gave him a xyphoid thrust (with our medical folks edging toward the room)." This passage was included in multiple emails, to include emails from the [redacted] OMS, [redacted]. *See* email from: [redacted]; to: [DETENTION SITE BLUE] and [REDACTED]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM; email from: [redacted], OMS; to: [REDACTED] and [REDACTED]; subject: Re: Acceptable lower ambient temperatures; date: March 7, 2003, at 8:22 PM; email from: [redacted], OMS; to: [REDACTED] and [REDACTED]; subject: Re: Talking Points for review and comment; date: August 13, 2004, at 10:22 AM; and email from: [redacted]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]; subject: Re: Discussion with Dan Levin- AZ; date: October 26, 2004, at 6:09 PM.

[207] Email from: [redacted], OMS; to: [REDACTED] and [REDACTED]; subject: Re: Acceptable lower ambient temperatures; date: March 7, 2003, at 8:22 PM; email from: [redacted], OMS; to: [REDACTED] and [REDACTED]; subject: Re: Talking Points for review and comment; date: August 13, 2004, at 10:22 AM; email from: [redacted]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]; subject: Re: Discussions with Dan Levin – AZ; date: October 26, 2004, at 6:09 PM.

[208] CIA Inspector General's Special Review on Counterterrorism Detention and Interrogation Activities issued on May 7, 2004.

[209] Email from: [REDACTED]; to: [redacted] and [REDACTED]; subject: Re: Monday; date: August 5, 2002, at 05:35AM.

[210] Email from: [REDACTED]; to: [REDACTED], [redacted], and [REDACTED]; subject: Update; date: August 8, 2002, at 06:50 AM.

[211] Email from: [REDACTED]; to: [REDACTED], [redacted], and [REDACTED]; subject: Update; date: August 8, 2002, at 06:50 AM.

- August 9, 2002: "two, perhaps three [personnel] likely to elect transfer" away from the detention site if the decision is made to continue with the CIA's enhanced interrogation techniques.[212]

- August 11, 2002: Viewing the pressures on Abu Zubaydah on video "has produced strong feelings of futility (and legality) of escalating or even maintaining the pressure." Per viewing the tapes, "prepare for something not seen previously."[213]

(~~TS//[redacted]//NF~~) After the use of the CIA's enhanced interrogation techniques ended, CIA personnel at the detention site concluded that Abu Zubaydah had been truthful and that he did not possess any new terrorist threat information.[214]

(~~TS//[redacted]//NF~~) As noted, CIA records indicate that Abu Zubaydah never provided the information for which the CIA's enhanced interrogation techniques were justified and approved: information on the next terrorist attack and operatives in the United States. Furthermore, as compared to the period prior to August 2002, the quantity and type of intelligence produced by Abu Zubaydah remained largely unchanged during and after the August 2002 use of the CIA's enhanced interrogation techniques.[215] Nonetheless, CIA Headquarters informed the National Security Council that the CIA's enhanced interrogation techniques used against Abu Zubaydah were effective and were "producing meaningful results."[216] A cable from

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[212] Email from: [REDACTED]; to: [redacted] and [REDACTED]; subject: Re: 9 August Update; date: August 9, 2002, at 10:44:16 PM.

[213] Email from: [REDACTED]; to: [redacted] and [REDACTED]; subject: Greetings; date: August 11, 2002, at 09:45AM.

[214] *See*, for example, [redacted] 10672 (240229Z AUG 02).

[215] *See* Abu Zubaydah detainee review in Volume III for details on Abu Zubaydah's intelligence production. As noted, Abu Zubaydah was taken into CIA custody on March [redacted], 2002, and was hospitalized until April 15, 2002. During the months of April and May 2002, which included a period during which Abu Zubaydah was on life support and unable to speak, the interrogations of Abu Zubaydah produced 95 intelligence reports. Abu Zubaydah spent much of June 2002 and all of July 2002 in isolation, without being asked any questions. The CIA reinstituted contact with Abu Zubaydah on August 4, 2002, and immediately began using the CIA's enhanced interrogation techniques—including the waterboard. During the months of August and September 2002, Abu Zubaydah produced 91 intelligence reports, four fewer than the first two months of his CIA detention. CIA records indicate that the type of intelligence Abu Zubaydah provided remained relatively constant prior to and after the use of the CIA's enhanced interrogation techniques. According to CIA records, Abu Zubaydah provided information on "al-Qa'ida activities, plans, capabilities, and relationships," in addition to information on "its leadership structure, including personalities, decision-making processes, training, and tactics." *See also* CIA paper entitled "Abu Zubaydah," dated March 2005, as well as "Abu Zubaydah Bio" document, "Prepared on 9 August 2006."

[216] On August 30, 2002, [redacted] CTC Legal, [redacted] met with NSC Legal Adviser John Bellinger to discuss Abu Zubaydah's interrogation. *See* email from: John Rizzo; to: John Moseman; subject: Meeting with NSC Legal Adviser; date: August 30, 2002; ALEC [redacted] (052227Z SEP 02). In his email documenting the meeting, [redacted] "noted that we had employed the walling techniques, confinement box, waterboard, along with some of the other methods which also had been approved by the Attorney General," and "reported that while the experts at the site and at Headquarters were still assessing the product of the recent sessions, it did appear that the current phase was producing meaningful results." (*See* email from: John Rizzo; to: John Moseman; subject: Meeting with NSC Legal Adviser; date: August 30, 2002.) The email did not provide any additional detail on what was described to Bellinger with respect to either the use of the techniques or the "results" of the interrogation. It is unclear from CIA records whether the CIA ever informed the NSC Legal Adviser or anyone else at the NSC or the Department of Justice that Abu Zubaydah failed to provide information about future attacks against the United States or operatives tasked to commit attacks in the U.S. during or after the use of the CIA's enhanced interrogation techniques.

DETENTION SITE GREEN, which CIA records indicate was authored by SWIGERT and DUNBAR, also viewed the interrogation of Abu Zubaydah as a success. The cable recommended that "the aggressive phase at [DETENTION SITE GREEN] should be used as a template for future interrogation of high value captives,"[217] not because the CIA's enhanced interrogation techniques produced useful information, but rather because their use confirmed that Abu Zubaydah did not possess the intelligence that CIA Headquarters had assessed Abu Zubaydah to have. The cable from the detention site stated:

> "Our goal was to reach the stage where we have broken any will or ability of subject to resist or deny providing us information (intelligence) to which he had access. We additionally sought to bring subject to the point that we confidently assess that he does not/not possess undisclosed threat information, or intelligence that could prevent a terrorist event."[218]

(~~TS//[redacted]//NF~~) The cable further recommended that psychologists—a likely reference to contractors SWIGERT and DUNBAR — "familiar with interrogation, exploitation and resistance to interrogation should shape compliance of high value captives prior to debriefing by substantive experts."[219]

(~~TS//[redacted]//NF~~) From Abu Zubaydah's capture on March 28, 2002, to his transfer to Department of Defense custody on September 5, 2006, information provided by Abu Zubaydah resulted in 766 disseminated intelligence reports.[220] According to CIA documents, Abu Zubaydah provided information on "al-Qa'ida activities, plans, capabilities, and relationships," in addition to information on "its leadership structure, including personalities, decision-making processes, training, and tactics."[221] As noted, this type of information was provided by Abu Zubaydah before, during, and after the use of the CIA's enhanced interrogation techniques. At no time during or after the use of the CIA's enhanced interrogation techniques

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According to CIA records, on September 27, 2002, the CIA briefed the chairman and the vice chairman of the Committee, Senators Graham and Shelby, as well as the Committee staff directors, on Abu Zubaydah's interrogation. The CIA's memorandum of the briefing indicates that the chairman and vice chairman were briefed on "the enhanced techniques that had been employed," as well as "the nature and quality of reporting provided by Abu Zubaydah." *See* (DIRECTOR [redacted] (252018Z OCT 02).

[217] [redacted] 10644 (201235Z AUG 02)

[218] [redacted] 10644 (201235Z AUG 02)

[219] [redacted] 10644 (201235Z AUG 02)

[220] The Committee uses sole-source intelligence reporting in this summary. While CIA multi-source intelligence reports are included in the full Committee Study, the focus of the Committee analysis is on sole-source intelligence reporting, as these reports were deemed to more accurately reflect useful reporting from individual CIA detainees. As background, multi-source intelligence reports are reports that contain data from multiple detainees. For example, a common multi-source report would result from the CIA showing a picture of an individual to all CIA detainees at a specific CIA detention site. A report would be produced regardless if detainees were or were not able to identify or provide information on the individual. As a specific example, *see* HEADQUARTERS [redacted] (202255Z JUN 06), which states that from January 1, 2006 – April 30, 2006, information from Hambali was "used in the dissemination of three intelligence reports, two of which were non-recognitions of Guantanamo Bay detainees," and the third of which "detailed [Hambali's] statement that he knew of no threats or plots to attack any world sporting events." Sole-source reports, by contrast, are based on specific information provided by one CIA detainee.

[221] CIA paper entitled, "Abu Zubaydah," dated March 2005. Same information included in an "Abu Zubaydah Bio" document "Prepared on 9 August 2006."

did Abu Zubaydah provide information about operatives in, or future attacks against, the United States.[222]

10. A CIA Presidential Daily Brief Provides Inaccurate Information on the Interrogation of Abu Zubaydah

(~~TS//~~[redacted]~~//NF~~) Although CIA personnel at DETENTION SITE GREEN agreed that Abu Zubaydah was compliant and cooperative, personnel at CIA Headquarters prepared a Presidential Daily Brief (PDB) in October 2002 that, according to a cable, "accurately reflect[ed] the collective HQS view of the information provided [by Abu Zubaydah] to date."[223] The October 2002 PDB stated Abu Zubaydah was still withholding "significant threat information," including information on operatives in the United States, and that Abu "Zubaydah resisted providing useful information until becoming more cooperative in early August, probably in the hope of improving his living conditions."[224] The PDB made no reference to the CIA's enhanced interrogation techniques or the counter-assessment from the detention site interrogation team indicating that Abu Zubaydah was cooperative and not withholding information.[225]

(~~TS//~~[redacted]~~//NF~~) CIA documents identified the "key intelligence" acquired from Abu Zubaydah as information related to suspected terrorists Jose Padilla and Binyam Mohammad, information on English-speaking al-Qa'ida member Jaffar al-Tayyar, and information identifying KSM as the mastermind of the September 11, 2001, attacks who used the alias "Mukhtar."[226] All of this information was acquired by FBI special agents shortly after Abu Zubaydah's capture.[227]

(~~TS//~~[redacted]~~//NF~~) The CIA has consistently represented that Abu Zubaydah stated that the CIA's enhanced interrogation techniques were necessary to gain his cooperation. For example, the CIA informed the OLC that:

> "As Zubaydah himself explained with respect to enhanced techniques, 'brothers who are captured and interrogated are permitted by Allah to provide

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[222] *See* Abu Zubaydah detainee review in Volume III for additional details.

[223] ALEC [redacted] (181439Z OCT 02)

[224] ALEC [redacted] (181439Z OCT 02)

[225] Among other documents, *see* [redacted] 10667 (231206Z AUG 02); [redacted] 10672 (240229Z AUG 02); and email from: [REDACTED] ([redacted] chief of Base at DETENTION SITE GREEN); to: CIA Headquarters; subject: "Assessment to Date" of Abu Zubaydah; date: October 6, 2002, at 05:36:46 AM.

[226] *See* "Key Intelligence and Reporting Derived from Abu Zubaydah and KSM," dated February 2008, updated for briefings on several dates, including for a 2009 briefing to Director Leon Panetta, as well as the "Effectiveness Memo" provided to the Department of Justice, testimony provided by CIA Director Michael Hayden, and other documents discussed in detail in Volume II. For example, *see* ODNI September 2006 press release stating: "During initial interrogation, Abu Zubaydah gave some information that he probably viewed as nominal. Some was important, however, including that Khalid Shaykh Mohammad (KSM) was the 9/11 mastermind and used the moniker 'Mukhtar.' This identification allowed us to comb previously collected intelligence for both names, opening up new leads to this terrorist plotter leads that eventually resulted in his capture. It was clear to his interrogators that Abu Zubaydah possessed a great deal of information about al Qa'ida; however, he soon stopped all cooperation. Over the ensuing months, the CIA designed a new interrogation program that would be safe, effective, and legal."

[227] *See* Abu Zubaydah detainee review in Volume III for additional details.

information when they believe they have 'reached the limit of their ability to withhold it' in the face of psychological and physical hardships.'"[228]

(~~TS//~~ [redacted] ~~//NF~~) As is described in greater detail in the full Committee Study, CIA records do not support the CIA representation that Abu Zubaydah made these statements.[229] CIA records indicate that Abu Zubaydah maintained that he always intended to talk and never believed he could withhold information from interrogators.[230] In February 2003, Abu Zubaydah told a CIA psychologist that he believed prior to his capture that every captured "brother" would talk in detention and that he told individuals at a terrorist training camp that "brothers should be able to expect that the organization will make adjustments to protect people and plans when someone with knowledge is captured."[231]

11. The CIA Does Not Brief the Committee on the Interrogation of Abu Zubaydah

(~~TS//~~ [redacted] ~~//NF~~) In contrast to relatively open communications that the CIA had with the Committee following the issuance of the September 17, 2001, MON, the CIA significantly limited its communications with the Committee on its detention and interrogation activities after Abu Zubaydah's capture on March 28, 2002.[232] In responses to three different sets of Committee Questions for the Record addressed to the CIA regarding the MON authorities in the spring and summer of 2002, the CIA provided no indication that the CIA had established DETENTION SITE GREEN, or was using, or considering using, coercive interrogation techniques.[233]

(~~TS//~~ [redacted] ~~//NF~~) On September 27, 2002, CIA officials provided a briefing on Abu Zubaydah's interrogation only to Committee Chairman Bob Graham, Vice Chairman Richard Shelby, and their staff directors. After this briefing Chairman Graham made multiple and

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[228] Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees (DTS #2009-1810, Tab 11). This OLC memorandum cites CIA memorandum for Steve Bradbury at the Department of Justice, dated March 2, 2005, from [redacted], [redacted] Legal Group, DCI Counterterrorist Center, subject "Effectiveness of the CIA Counterterrorist Interrogation Techniques."

[229] While there are no records of Abu Zubaydah making these statements, the deputy chief of ALEC Station, [redacted], told the Inspector General on July 17, 2003, that the "best information [the CIA] received on how to handle the [CIA] detainees came from a walk-in [a source [redacted] to volunteer information to the CIA] after the arrest of Abu Zubaydah. He told us we were underestimating Al-Qa'ida. The detainees were happy to be arrested by the U.S. because they got a big show trial. When they were turned over to [foreign governments], they were treated badly so they talked. Allah apparently allows you to talk if you feel threatened. The [CIA] detainees never counted on being detained by us outside the U.S. and being subjected to methods they never dreamed of." *See* [redacted], Memorandum for the Record; subject: Meeting with deputy chief, Counterterrorist Center ALEC Station; date: 17 July 2003.

[230] [redacted] 10496 (162014Z FEB 03). For more information, *see* a March 7, 2005, cable describing Abu Zubaydah's explanations more fully ([redacted] 2166 (070647Z MAR 05)).

[231] [redacted] 10496 (162014Z FEB 03) For additional details on this matter, *see* Volume II, specifically the section on information provided by the CIA to the Department of Justice.

[232] The information provided by the CIA to the Committee on the CIA's Detention and Interrogation Program is summarized later in this document, and described in greater detail in Volume II.

[233] *See* Volume II, specifically the section on CIA representations to Congress.

specific requests for additional information on the CIA's Detention and Interrogation Program. Internal CIA emails include discussion of how the CIA could "get… off the hook on the cheap" regarding Chairman Graham's requests for additional information.[234] In the end, CIA officials simply did not respond to Graham's requests prior to his departure from the Committee in January 2003.

C. Interrogation in Country [redacted] and the January 2003 Guidelines

1. The CIA Establishes DETENTION SITE COBALT, Places Inexperienced First-Tour Officer in Charge

(~~TS//[redacted]//NF~~) Plans for a specialized CIA detention facility in Country [redacted] began in April 2002, with the intention that it would be "totally under [redacted]/Station Control."[235] On June 6, 2002, CIA Headquarters approved more than $200,000 for the construction of the facility, identified in this summary as "DETENTION SITE COBALT."[236] In a 2003 interview with the CIA Office of Inspector General, Associate Deputy Director for Operations [redacted] described his views of this facility and "stated that [DETENTION SITE COBALT] was opened because there needed to be a detention site in [Country [redacted]] for those detainees enroute [redacted] to [DETENTION SITE GREEN]. It was not a place for the use of EITs."[237]

(~~TS//[redacted]//NF~~) DETENTION SITE COBALT, constructed with CIA funding, opened in Country [redacted] in September 2002.[238] According to CIA records, the windows at DETENTION SITE COBALT were blacked out and detainees were kept in total darkness. The [redacted] guards monitored detainees using headlamps and loud music was played constantly in the facility. While in their cells, detainees were shackled to the wall and given buckets for human waste. Four of the twenty cells at the facility included a bar across the top of the cell.[239] Later reports describe detainees being shackled to the bar with their hands above their heads, forcing them to stand, and therefore not allowing the detainees to sleep.[240]

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[234] Email from: Stanley Moskowitz; to: John H. Moseman; cc: Scott Muller and James Pavitt; subject: [attached document] Re: Graham request on interrogations; date: December 9, 2002, at 05:46:11 PM.

[235] By June 2002 the CIA had taken custody of five detainees who were captured outside of Country [redacted] and placed these CIA detainees in Country [redacted] detention facilities. The detainees were held at the Country [redacted] facilities at the request of the CIA and the CIA had unlimited access to them. *See* [redacted] 21147 [redacted].

[236] DIRECTOR [redacted] (062212Z JUN 02)

[237] Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], September 9, 2003.

[238] For additional information on DETENTION SITE COBALT, *see* Volume I and Volume III. The specific date has been generalized at the request of the CIA.

[239] [redacted] 28246 [redacted]

[240] For additional information on DETENTION SITE COBALT, *see* Volume I and Volume III, and among other documents: [redacted] 31118 [redacted]; DIRECTOR [redacted]; email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [redacted], [REDACTED]; subject: Meeting with SO & Federal Bureau of Prisons; date: December 4, 2002; email from: [REDACTED]; to: [REDACTED]; subject: Meeting with SO & Federal Bureau of Prisons; date: December 5, 2002; Special Review, Counterterrorism Detention and Interrogation Activities (September 2001 - October 2003) (2003-7123-IG), May 7, 2004; Memorandum for Deputy Director of Operations, from [redacted], January 28, 2003, Subject:

(~~TS//[redacted]//NF~~) The CIA officer in charge of DETENTION SITE COBALT, [redacted] [CIA OFFICER 1], was a junior officer on his first overseas assignment with no previous experience or training in handling prisoners or conducting interrogations. [redacted] [CIA OFFICER 1] was the DETENTION SITE COBALT manager during the period in which a CIA detainee died and numerous CIA detainees were subjected to unapproved coercive interrogation techniques.[241] A review of CIA records found that prior to [redacted] [CIA OFFICER 1's] deployment and assignment as the CIA's DETENTION SITE COBALT manager, other CIA officers recommended [redacted] [CIA OFFICER 1] not have continued access to classified information due to a "lack of honesty, judgment, and maturity."[242] According to records, "the chief of CTC told [redacted] [CIA OFFICER 1]] that he would not want [him] in his overseas station."[243] A supervising officer assessed that [redacted] [CIA OFFICER 1]:

> "has issues with judgment and maturity, [and his] potential behavior in the field is also worrisome. [The officer] further advised that [redacted] [CIA OFFICER 1]] was only put into processing for an overseas position so that someone would evaluate all of the evidence of this situation all together. [The officer further noted that [redacted] [CIA OFFICER 1]] might not listen to his chief of station when in the field."[244]

2. *CIA Records Lack Information on CIA Detainees and Details of Interrogations in Country* [redacted]

(~~TS//[redacted]//NF~~) Detainees held in Country [redacted] were detained under the authority of the MON; however, CIA officers conducted no written assessment of whether these detainees

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Death Investigation – Gul RAHMAN; and CIA Inspector General, Report of Investigation, Death of a Detainee [redacted] (2003-7402-IG), April 27, 2005. One senior interrogator, [redacted], told the CIA OIG that "literally, a detainee could go for days or weeks without anyone looking at him," and that his team found one detainee who, "'as far as we could determine,' had been chained to the wall in a standing position for 17 days." According to the CIA interrogator, some of the CIA detainees at DETENTION SITE COBALT "'literally looked like a dog that had been kenneled.' When the doors to their cells were opened, 'they cowered.'" (*See* Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], April 30, 2003.) The chief of interrogations, [redacted], told the CIA OIG that "[DETENTION SITE COBALT] is good for interrogations because it is the closest thing he has seen to a dungeon, facilitating the displacement of detainee expectations." (*See* Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], April 7, 2003.) An analyst who conducted interrogations at DETENTION SITE COBALT told the CIA OIG that "[DETENTION SITE COBALT] is an EIT.". (*See* Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], May 8, 2003.)

[241] *See* April 27, 2005, CIA Inspector General, Report of Investigation: Death of a Detainee [redacted]. April 7, 2005, Memorandum for John Helgerson, Inspector General, from Robert Grenier, Subject: Comments on Draft Report of Investigation: Death of a Detainee [redacted] (2003-7402-IG).

[242] [redacted], Subject. [redacted] [CIA OFFICER 1]. [redacted]

[243] [redacted] [CIA OFFICER 1]

[244] [redacted] [CIA OFFICER 1]

"pose[d] a continuing, serious threat of violence or death to U.S. persons and interests or… [we]re planning terrorist activities." The CIA maintained such poor records of its detainees in Country [redacted] during this period that the CIA remains unable to determine the number and identity of the individuals it detained. The full details of the CIA interrogations there remain largely unknown, as DETENTION SITE COBALT was later found to have not reported multiple uses of sleep deprivation, required standing, loud music, sensory deprivation, extended isolation, reduced quantity and quality of food, nudity, and "rough treatment" of CIA detainees.[245]

3. *CIA Headquarters Recommends That Untrained Interrogators in Country [redacted] Use the CIA's Enhanced Interrogation Techniques on Ridha al-Najjar*

(~~TS//[redacted]//NF~~) Ridha al-Najjar was the first CIA detainee to be held at DETENTION SITE COBALT. Al-Najjar, along with Hassan Muhammad Abu Bakr and a number of other individuals, was arrested in Karachi, Pakistan, after raids conducted [redacted] by [redacted] Pakistan [redacted] in late May 2002.[246] Al-Najjar was identified by the CIA as a former bodyguard for Usama bin Laden,[247] and was rendered with Abu Bakr to CIA custody at a Country [redacted] detention facility on June [redacted], 2002.[248] Ridha al-Najjar was transferred to DETENTION SITE COBALT on September [redacted], 2002.[249]

(~~TS//[redacted]//NF~~) While the CIA was describing to the Department of Justice why it needed to use the CIA's enhanced interrogation techniques against Abu Zubaydah, a parallel internal discussion at the CIA was taking place regarding Ridha al-Najjar. An ALEC Station cable from a CTC officer stated that, on June 27, 2002:

> "ALEC/HQS held a strategy session regarding the interrogation of high priority [redacted] detainee Ridha Ahmed al-Najjar in [Country [redacted]]. The goal of the session was to review the progress of the interrogation to date and to devise a general plan as to how best to proceed once the new [Country [redacted]] detention/debriefing facility [i.e., DETENTION SITE COBALT] is completed."[250]

(~~TS//[redacted]//NF~~) The meeting participants included individuals who were also involved in discussions related to Abu Zubaydah's interrogation, including deputy chief of ALEC Station, [redacted], [redacted] CTC Legal [redacted], and the chief of

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[245] The full Committee Study includes a CIA photograph of a waterboard at DETENTION SITE COBALT. While there are no records of the CIA using the waterboard at COBALT, the waterboard device in the photograph is surrounded by buckets, with a bottle of unknown pink solution (filled two thirds of the way to the top) and a watering can resting on the wooden beams of the waterboard. In meetings between the Committee Staff and the CIA in the summer of 2013, the CIA was unable to explain the details of the photograph, to include the buckets, solution, and watering can, as well as the waterboard's presence at COBALT.

[246] [redacted] 11357 [redacted]; [redacted] 11443 [redacted]

[247] 178155

[248] 11542

[249] 27054

[250] ALEC [redacted] (162135Z JUL 02). Although the plans at the time were for DETENTION SITE COBALT to be owned and operated by the Country [redacted] government, the detention site was controlled and overseen by the CIA and its officers from the day it became operational in September 2002.

the [redacted].[251] A cable followed on July 16, 2002, to the CIA Station in Country [redacted] suggesting possible interrogation techniques to use against Ridha al-Najjar, including:

- utilizing "Najjar's fear for the well-being of his family to our benefit," with the cable explicitly stating that interrogators could not "threaten his family with imminent death";
- using "vague threats" to create a "mind virus" that would cause al-Najjar to believe that his situation would continue to get worse until he cooperated;[252]
- manipulating Ridha al-Najjar's environment using a hood, restraints, and music; and
- employing sleep deprivation through the use of round-the-clock interrogations.[253]

(~~TS//[redacted]//NF~~) The cable went on to note that the "possibility that [al-Najjar] may have current threat or lead information demands that we keep up the pressure on him."[254] With the exception of a brief mention of "diminished returns from the most recent interviews of al-Najjar," and references to the detainee's complaints about physical ailments, the cable offers no evidence al-Najjar was actively resisting CIA interrogators.[255]

(~~TS//[redacted]//NF~~) Ten days later, on July 26, 2002, CIA officers in Country [redacted], none of whom had been trained in the use of the CIA's enhanced interrogation techniques, proposed putting al-Najjar in isolation[256] and using "sound disorientation techniques," "sense of time deprivation," limited light, cold temperatures, and sleep deprivation.[257] The CIA officers added that they felt they had a "reasonable chance of breaking Najjar" to get "the intelligence and locator lead information on UBL and Bin Ladin's family."[258] The plan for al-Najjar was circulated to senior CIA officers as part of the Daily DCI Operations Update.[259]

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[251] ALEC [redacted] (162135Z JUL 02). The deputy chief of ALEC Station, [redacted], and [redacted] CTC Legal, [redacted], would later travel to DETENTION SITE GREEN to observe the use of the CIA's enhanced interrogation techniques against Abu Zubaydah.

[252] The term "mind virus" first appeared in the interrogations of Abu Zubaydah. *See* [redacted] 10086 (201900Z APR 02).

[253] Referenced July 16, 2002, cable is ALEC [redacted] (162135Z JUL 02).

[254] ALEC [redacted] (162135Z JUL 02)

[255] ALEC [redacted] (162135Z JUL 02)

[256] At this time, July 26, 2002, Abu Zubaydah was in isolation at DETENTION SITE GREEN. Abu Zubaydah was placed in isolation on June 18, 2002, and remained in isolation for 47 days, until the CIA began subjecting him to its enhanced interrogation techniques on August 4, 2002.

[257] [redacted] 25107 (260903Z JUL 02)

[258] [redacted] 25107 (260903Z JUL 02)

[259] Email from: [REDACTED]; to: Buzzy Krongard, John O. Brennan, [REDACTED], [REDACTED], John H. Moseman, [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [redacted], [redacted], Jose Rodriguez, [redacted], John P. Mudd, [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],

(~~TS//~~ [redacted] ~~//NF~~) On August 5, 2002, the day after Abu Zubaydah's interrogation using the CIA's enhanced interrogation techniques at DETENTION SITE GREEN began, CIA Headquarters authorized the proposed interrogation plan for al-Najjar, to include the use of loud music (at less than the level that would cause physical harm such as permanent hearing loss), worse food (as long as it was nutritionally adequate for sustenance), sleep deprivation, and hooding.[260]

(~~TS//~~ [redacted] ~~//NF~~) More than a month later, on September 21, 2002, CIA interrogators described al-Najjar as "clearly a broken man" and "on the verge of complete breakdown" as result of the isolation.[261] The cable added that al-Najjar was willing to do whatever the CIA officer asked.[262]

(~~TS//~~ [redacted] ~~//NF~~) In October 2002, officers from the U.S. military conducted a short debriefing of al-Najjar at DETENTION SITE COBALT and subsequently expressed an interest in a more thorough debriefing.[263] On November [redacted], 2002, a U.S. military legal advisor visited DETENTION SITE COBALT and described it as a "CIA detention facility," noting that "while CIA is the only user of the facility they contend it is a [Country [redacted]] facility."[264] The U.S. military officer also noted that the junior CIA officer designated as warden of the facility "has little to no experience with interrogating or handling prisoners." With respect to al-Najjar specifically, the legal advisor indicated that the CIA's interrogation plan included "isolation in total darkness; lowering the quality of his food; keeping him at an uncomfortable temperature (cold); [playing music] 24 hours a day; and keeping him shackled and hooded." In addition, al-Najjar was described as having been left hanging—which involved handcuffing one or both wrists to an overhead bar which would not allow him to lower his arms—for 22 hours each day for two consecutive days, in order to "'break' his resistance." It was also noted al-Najjar was wearing a diaper and had no access to toilet facilities.[265]

(~~TS//~~ [redacted] ~~//NF~~) The U.S. military legal advisor concluded that, because of al-Najjar's treatment, and the concealment of the facility from the ICRC, military participation in al-Najjar's interrogation would involve risks for the U.S. military [redacted]. The legal advisor recommended briefing the CIA's detention and interrogation activities to U.S. [redacted]

[REDACTED], [REDACTED]; subject: ABU ZUBAYDAH - SENSITIVE ADDENDUM TO DCI DAILY 1630 OPS UPDATE - 26 JULY; date: July 26, 2002.

[260] DIRECTOR [redacted] (052309Z AUG 02). The OLC opinion that reviewed and approved the use of CIA's enhanced interrogation techniques, signed on August 1, 2002, was specific to Abu Zubaydah. The Office of Legal Counsel did not produce legal opinions for al-Najjar or other detainees held by or for the CIA until August 2004.

[261] [REDACTED] 27297 (210713Z SEP 02)

[262] [REDACTED] 27297 (210713Z SEP 02)

[263] November [redacted], 2002, Memorandum for [redacted], Subject: Legal Analysis of [redacted] Personnel Participating in Interrogation at the CIA Detention Facility in [REDACTED] (aka "[DETENTION SITE COBALT]").

[264] November [redacted], 2002, Memorandum for [redacted], Subject: Legal Analysis of [redacted] Personnel Participating in Interrogation at the CIA Detention Facility in [REDACTED] (aka "[DETENTION SITE COBALT]").

[265] November [redacted], 2002, Memorandum for [redacted], Subject: Legal Analysis of [redacted] Personnel Participating in Interrogation at the CIA Detention Facility in [REDACTED] (aka "[DETENTION SITE COBALT]").

[redacted] [combatant command] to alert the command of the risks prior to the U.S. military being involved in any aspect of the interrogation of al-Najjar.[266] According to the CIA inspector general, the detention and interrogation of Ridha al-Najjar "became the model" for handling other CIA detainees at DETENTION SITE COBALT.[267] The CIA disseminated one intelligence report from its detention and interrogation of Ridha al-Najjar.[268]

4. *Death of Gul Rahman Leads CIA Headquarters to Learn of Unreported Coercive Interrogation Techniques at DETENTION SITE COBALT; CIA Inspector General Review Reveals Lack of Oversight of the Detention Site*

(~~TS//~~ [redacted] ~~//NF~~) In November 2002, ALEC Station officers requested that CIA contract interrogator Hammond DUNBAR, one of the two primary interrogators of Abu Zubaydah in August 2002, travel to DETENTION SITE COBALT to assess a detainee for the possible use of the CIA's enhanced interrogation techniques.[269] While DUNBAR was present at DETENTION SITE COBALT, he assisted [redacted] [CIA OFFICER 1] in the interrogations of Gul Rahman, a suspected Islamic extremist. As reported to CIA Headquarters, this interrogation included "48 hours of sleep deprivation, auditory overload, total darkness, isolation, a cold shower, and rough treatment." CIA Headquarters did not approve these interrogation techniques in advance. Upon receipt of these cables, however, officers at CIA Headquarters responded that they were "motivated to extract any and all operational information on al-Qa'ida and Hezbi Islami from Gul Rahman" and suggested that "enhanced measures" might be needed to gain Gul Rahman's compliance. CIA Headquarters also requested that a psychological assessment of Rahman be completed.[270] Prior to DUNBAR's departure from the detention site on November [redacted], 2002, [a few days before the death of Gul Rahman] DUNBAR proposed the use of the CIA's enhanced interrogation techniques on other detainees and offered suggestions to [redacted] [CIA OFFICER 1], the site manager, on the use of such techniques.[271]

(~~TS//~~ [redacted] ~~//NF~~) On November [redacted], 2002, [redacted] [CIA OFFICER 1] ordered that Gul Rahman be shackled to the wall of his cell in a position that required the detainee to rest on the bare concrete floor. Rahman was wearing only a sweatshirt, as [redacted] [CIA OFFICER 1] had ordered that Rahman's clothing be removed when he had been judged to be uncooperative during an earlier interrogation. The next day, the guards found Gul Rahman's dead body. An internal CIA review and autopsy assessed that Rahman likely died from hypothermia—in part

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[266] November [redacted], 2002, Memorandum for [redacted], Subject: Legal Analysis of [redacted] Personnel Participating in Interrogation at the CIA Detention Facility in [REDACTED] (aka "[DETENTION SITE COBALT]").

[267] According to the IG report, "in late July or early August 2002, a senior operations officer on TDY to [redacted] interrogated a particularly obstinate detainee [Ridha al-Najjar] at [redacted] detention facility that was used before [COBALT] was opened. The officer drafted a cable that proposed techniques that, ultimately, became the model for [COBALT]." *See* April 27, 2005, report by the CIA Inspector General, Death of a Detainee [redacted] (2003-7402-IG). *See also* Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], April 30, 2003; Interview Report, 2003 7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], April 2, 2003.

[268] *See* Volume II and Volume III for additional information.

[269] ALEC [redacted]

[270] ALEC [redacted]

[271] [redacted] 29963 [redacted]

from having been forced to sit on the bare concrete floor without pants.[272] [redacted] [CIA OFFICER 1's] initial cable to CIA Headquarters on Rahman's death included a number of misstatements and omissions that were not discovered until internal investigations into Rahman's death.[273]

(~~TS//[redacted]//NF~~) The death of Gul Rahman resulted in increased attention to CIA detention and interrogation activities in Country [redacted] by CIA Headquarters. The CTC formally designated the CTC's Renditions Group[274] as the responsible entity for the management and maintenance of all CIA interrogation facilities, including DETENTION SITE COBALT, in early December 2002.[275] Despite this change, many of the same individuals within the CIA—including DUNBAR, officers at DETENTION SITE COBALT, and officers within ALEC Station who had recommended the use of the CIA's enhanced interrogation techniques against Gul Rahman—remained key figures in the CIA interrogation program and received no reprimand or sanction for Rahman's death. Instead, in March 2003, just four months after the death of Gul Rahman, the CIA Station in Country [redacted] recommended that [redacted] [CIA OFFICER 1] receive a "cash award" of $2,500 for his "consistently superior work."[276] [redacted] [CIA OFFICER 1] remained in his position as manager of the detention site until July 2003 and continued to be involved in the interrogations of other CIA detainees. He was formally certified as a CIA interrogator in April 2003 after the practical portion of his training requirement was waived because of his past experience with interrogations at DETENTION SITE COBALT.[277]

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[272] Memorandum for Deputy Director of Operations, from [redacted] January 28, 2003, Subject: Death Investigation – Gul RAHMAN. Other contributing factors were identified as dehydration, lack of food, and immobility due to "short chaining."

[273] [redacted] 30211 [redacted]. *See* Volume I and III for additional details.

[274] As noted, the Renditions Group was also known during the program as the "Renditions and Interrogations Group," as well as the "Rendition, Detention, and Interrogation Group," and by the initials, "RDI" and "RDG."

[275] DIRECTOR [redacted] (032336Z DEC 02)

[276] [redacted] 34909 [redacted]

[277] DIRECTOR [redacted]. In late 2005, the CIA convened an Accountability Board to review the actions of CIA personnel in Gul Rahman's death. The board recommended that the executive director "impose a 10 day suspension without pay" on [redacted] [CIA OFFICER 1], and noted that this action would "strike the appropriate balance between: 1) the fact that [[redacted] [CIA OFFICER 1]] was the only individual who made decisions that led directly, albeit unintentionally, to Rahman's death, and 2) the significant weight the Board attached to the mitigating factors at play in this incident." (*See* Memorandum for Executive Director from [redacted], Deputy Director for Science and Technology, re: Report and Recommendations of the Special Accountability Board Regarding the Death of Afghan Detainee Gul Rahman.) On February 10, 2006, however, the CIA Executive Director K.B. Foggo notified [redacted] [CIA OFFICER 1] that he intended to take no disciplinary action against him. In his memo describing that decision, the executive director stated: "While not condoning your actions, it is imperative, in my view, that they… be judged within the operational context that existed at the time of Rahman's detention. Cable traffic reviewed by the board shows conclusively that Headquarters generally was aware of, and posed no objections to, the confinement conditions and interrogation techniques being imposed on Rahman as late as [redacted] November. On that date, Headquarters notified [the CIA Station in COUNTRY [redacted]]… that it was 'motivated to extract any and all operational information' from Rahman, that it rated achieving Rahman's cooperation to be of 'great importance' and that it acknowledged that Rahman 'may need to be subjected to enhanced interrogation measures to induce him to comply.'" (*See* February 10, 2006, Memorandum for [[redacted] [CIA OFFICER 1]], CounterTerrorist Center, National Clandestine Service, from Executive Director, re: "Accountability Decision.") With regard to the death of Gul Rahman, the CIA's June 2013 Response states: "Most egregiously, we believe that CIA leaders erred in not holding anyone formally accountable for the actions and failure of management related to the death of Gul Rahman at [COBALT] in 2002. We understand the reasoning underlying CIA management's decision to overturn an accountability board recommendation that would have imposed sanctions on the least

(~~TS//[redacted]//NF~~) Later investigations of DETENTION SITE COBALT conducted by the CIA inspector general and the deputy director of operations following the death of Gul Rahman found that the use of the CIA's enhanced interrogation techniques —and other coercive interrogation techniques—was more widespread than was reported in contemporaneous CIA cables. Specifically, the interrogation techniques that went unreported in CIA cables included standing sleep deprivation in which a detainee's arms were shackled above his head, nudity, dietary manipulation, exposure to cold temperatures, cold showers, "rough takedowns," and, in at least two instances, the use of mock executions.[278]

(~~TS//[redacted]//NF~~) On November 18, 2002, staff from the CIA's Office of Inspector General contacted [redacted] CTC Legal, [redacted], to indicate their interest in being briefed by CTC on the detention facility in Country [redacted]. At their meeting with the DDO and the chief of CTC on November [redacted], 2002, the OIG staff explained that, while in that country on a separate matter, the staff had overheard a conversation that included references to "war crimes" and "torture" at a CIA detention facility and were therefore seeking to follow-up on this information. According to notes from the meeting, the DDO described the "most recent event concerning Gul Rahman"—his death, which occurred on November [redacted], 2002.[279]

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experienced officer involved. The most junior in the chain of command should not have to bear the full weight of accountability when larger, systemic problems exist and when they are thrust into difficult battlefield situations by their supervisors and given a risky and difficult task and little preparation or guidance. Still, it is hard to accept that a CIA officer does not bear at least some responsibility for his or her actions, even under trying circumstances."

[278] Special Review, Counterterrorism Detention and Interrogation Activities (September 2001 - October 2003) (2003-7123-IG), May 7, 2004; Memorandum for Deputy Director of Operations, from [redacted], January 28, 2003, Subject: Death Investigation – Gul RAHMAN; CIA Inspector General, Report of Investigation, Death of a Detainee [redacted] (2003-7402-IG), April 27, 2005. Inspector General records of the interview of a senior CIA debriefer indicated that, "[d]uring the two weeks of interrogation training, she heard stories of [COBALT] detainees being 'hung for days on end,' not being fed, mock assassinations, and at least one case of a detainee being repeatedly choked." The senior debriefer also informed the Office of Inspector General that, "[s]he heard that while at [COBALT] [redacted], aka "CIA OFFICER 2"] had hung detainees up for long periods with their toes barely touching the ground." (*See* interview report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], April 5, 2003.) DUNBAR described a "rough takedown" following the death of Gul Rahman at COBALT. "According to [DUNBAR], there were approximately five CIA officers from the renditions team. Each one had a role during the takedown and it was thoroughly planned and rehearsed. They opened the door of Rahman's cell and rushed in screaming and yelling for him to 'get down.' They dragged him outside, cut off his clothes and secured him with Mylar tape. They covered his head with a hood and ran him up and down a long corridor adjacent to his cell. They slapped him and punched him several times. [DUNBAR] stated that although it was obvious they were not trying to hit him as hard as they could, a couple of times the punches were forceful. As they ran him along the corridor, a couple of times he fell and they dragged him through the dirt (the floor outside of the cells is dirt). Rahman did acquire a number of abrasions on his face, legs, and hands, but nothing that required medical attention. (This may account for the abrasions found on Rahman's body after his death. Rahman had a number of surface abrasions on his shoulders, pelvis, arms, legs, and face.) At this point, Rahman was returned to his cell and secured. [DUNBAR] stated that [redacted] [CIA OFFICER 1]] [the CIA officer in charge of DETENTION SITE COBALT] may have spoken to Rahman for a few moments, but he did not know what [redacted] [CIA OFFICER 1]] said. [DUNBAR] stated that after something like this is done, interrogators should speak to the prisoner to 'give them something to think about.'" (*See* Memorandum for Deputy Director of Operations, from [redacted], January 28, 2003, Subject: Death Investigation Gul RAHMAN, pp. 21-22.)

[279] *See* Notes of November [redacted], 2002, meeting D/IG [REDACTED].

(~~TS//[redacted]//NF~~) In January 2003, CIA Inspector General John Helgerson began a formal review of the death of Gul Rahman and began a separate review of the entire CIA Detention and Interrogation Program. The resulting Special Review of Counterterrorism Detention and Interrogation Activities ("Special Review") found that there were no guidelines for the use of the CIA's enhanced interrogation techniques at DETENTION SITE COBALT prior to December 2002, and that interrogators, some with little or no training, were "left to their own devices in working with detainees."[280]

(~~TS//[redacted]//NF~~) The Inspector General's Special Review also revealed the lack of oversight of DETENTION SITE COBALT by CIA leadership. DCI Tenet stated that he was "not very familiar" with DETENTION SITE COBALT and "what the CIA is doing with medium value targets."[281] Associate Deputy Director of Operations [redacted] stated that he was unaware that the CIA's enhanced interrogation techniques were being used there.[282] In August 2003, CIA General Counsel Scott Muller relayed that he was under the impression that DETENTION SITE COBALT was only a holding facility and that he had "no idea who is responsible for [COBALT]."[283] Senior Deputy General Counsel John Rizzo informed the OIG that he knew little about DETENTION SITE COBALT and that his focus was on DETENTION SITE GREEN and DETENTION SITE BLUE.[284] CTC Chief of Operations [redacted] stated that he had much less knowledge of operations at DETENTION SITE COBALT, and that the CIA's GREEN and BLUE detention sites were much more important to him.[285] Finally, Chief of CTC Jose Rodriguez stated that he did not focus on DETENTION SITE COBALT because he had "other higher priorities."[286]

5. *The CIA Begins Training New Interrogators; Interrogation Techniques Not Reviewed by the Department of Justice Included in the Training Syllabus*

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[280] *See* Office of Inspector General Special Review of Counterterrorism Detention and Interrogation Activities (September 2001-October 2003), May 7, 2004, p. 52. According to an OIG interview with an analyst who conducted interrogations at DETENTION SITE COBALT, "indicative of the lack of interrogators was the fact that [redacted] [CIA OFFICER 1]] enlisted a [REDACTED] case officer friend… to conduct interrogations at [DETENTION SITE COBALT] after he completed his [REDACTED] business in [redacted]." (*See* Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], May 8, 2003.) Inspector General records of an interview with a senior CIA debriefer indicate that the debriefer, "heard prior to taking the [interrogator] training that people at [COBALT] had debriefed detainees on their own, sometimes going out to the site at night." (*See* Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], April 5, 2003.) As described elsewhere, DCI Tenet issued formal interrogation guidelines for the program on January 28, 2003. (*See* Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001, signed by George Tenet, Director of Central Intelligence, January 28, 2003.)

[281] Interview of George Tenet, by [REDACTED], [REDACTED], Office of the Inspector General, memorandum dated, September 8, 2003.

[282] Interview of [redacted], Office of the Inspector General, September 9, 2003.

[283] Interview of Scott Muller, by [REDACTED], [REDACTED], and [REDACTED], Office of the Inspector General, August 20, 2003.

[284] Interview of John Rizzo, by [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 14, 2003.

[285] Interview of [redacted], Office of the Inspector General, February 11, 2003.

[286] Interview of Jose Rodriguez, by [REDACTED] and [REDACTED], Office of the Inspector General, August 12, 2003.

(~~TS//[redacted]//NF~~) The CIA's CTC Renditions Group began preparing for the first CIA interrogator training course in August 2002—during the period in which Abu Zubaydah was being interrogated using the CIA's enhanced interrogation techniques at DETENTION SITE GREEN. [redacted], the CIA's chief of interrogations,[287] and [redacted], the CIA officer with OTS who had spent [redacted] years as a SERE Instructor with JPRA, led the interrogation training. The first interrogation training, conducted with the assistance of JPRA personnel, occurred from November 12, 2002, to November 18, 2002.[288] The class included eight students who were seeking to become CIA interrogators and three students seeking to support the CIA interrogation process.[289] The CIA training program involved 65 hours of instruction and training on the CIA's enhanced interrogation techniques, including at least two interrogation techniques whose legality had not been evaluated by the Department of Justice: the "abdominal slap" and the "finger press." Although a number of personnel at CIA Headquarters reviewed the training materials, there are no CIA records of any CIA officer raising objections to the techniques being included in the syllabus.[290]

6. *Despite Recommendation from CIA Attorneys, the CIA Fails to Adequately Screen Potential Interrogators in 2002 and 2003*

(~~TS//[redacted]//NF~~) On November [redacted], 2002, after the completion of the first formal training class, [redacted] CTC Legal, [redacted], asked CTC attorney [redacted] to "[m]ake it known that from now on, CTC/LGL must vet all personnel who are enrolled in, observing or teaching – or otherwise associated with – the class."[291] [redacted] added:

> "Moreover, we will be forced to DISapprove [sic] the participation of specific personnel in the use of enhanced techniques unless we have ourselves vetted

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[287] December 4, 2002, Training Report, High Value Target Interrogation and Exploitation (HVTIE) Training Seminar 12-18 Nov 02 (pilot running) at 4. *See also* email from: [redacted]; to: [REDACTED], [REDACTED], [redacted]; subject: Formation of a High Value Target Interrogation team (describing initial training plan and requirements); date: August 30, 2002, at 8:30 AM.

[288] December 4, 2002, Training Report, High Value Target Interrogation and Exploitation (HVTIE) Training Seminar 12-18 Nov 02 (pilot running).

[289] December 4, 2002, Training Report, High Value Target Interrogation and Exploitation (HVTIE) Training Seminar 12-18 Nov 02 (pilot running), at 15.

[290] *See*, for example, email from: [redacted]; to: [redacted], [REDACTED]; subject: HVT training; date: October 10, 2002; email from: [REDACTED]; to: [redacted]; cc: [redacted], [redacted], [REDACTED], [REDACTED], [REDACTED]; subject: HVT training; date: October 10, 2002; November 1, 2002, Memorandum for: Director, DCI Counterterrorist Center, from [redacted], Chief, Renditions Group, CTC, re: Request for use of Military Trainers in Support of Agency Interrogation Course, REFERENCE: Memo for D/CTC from C/RG/CTC, dtd 26 Aug 02, Same Subject.

[291] Email from: [redacted], [redacted] CTC/LGL; to: [REDACTED]; cc: Jose Rodriguez, [REDACTED], [REDACTED], [redacted]; subject: EYES ONLY; date: November [redacted], 2002, at 03:13:01 PM. As described above, Gul Rahman likely froze to death at DETENTION SITE COBALT sometime in the morning of November [redacted], 2002. [redacted]'s email, however, appears to have been drafted before the guards had found Gul Rahman's body and before that death was reported to CIA Headquarters. *See* [REDACTED] 30211 [redacted], describing the guards observing Gul Rahman alive in the morning of November [redacted], 2002. Gul Rahman's death appeared in cable traffic at least [redacted] after [redacted]'s email. No records could be identified to provide the impetus for [redacted]'s email.

> them and are satisfied with their qualifications and suitability for what are clearly unusual measures that are lawful only when practiced correctly by personnel whose records clearly demonstrate their suitability for that role. The vetting process will not be that dissimilar from the checks that are provided by the OIG, OS, etc. in certain cases before individuals are promoted or receive awards, and the selection and training of aggressive interrogators certainly warrants a similar vetting process."[292]

(~~TS//[redacted]//NF~~) The chief of CTC, Jose Rodriguez, objected to this approach, stating:

> "I do not think that CTC/LGL should or would want to get into the business of vetting participants, observers, instructors or others that are involved in this program. It is simply not your job. Your job is to tell all what are the acceptable legal standards for conducting interrogations per the authorities obtained from Justice and agreed upon by the White House."[293]

(~~TS//[redacted]//NF~~) Contrary to statements later made by CIA Director Michael Hayden and other CIA officials that "[a]ll those involved in the questioning of detainees are carefully chosen and screened for demonstrated professional judgment and maturity,"[294] CIA records suggest that the vetting sought by [redacted] did not take place. The Committee reviewed CIA records related to several CIA officers and contractors involved in the CIA's Detention and Interrogation Program, most of whom conducted interrogations. The Committee identified a number of personnel whose backgrounds include notable derogatory information calling into question their eligibility for employment, their access to classified information, and their participation in CIA interrogation activities. In nearly all cases, the derogatory information was known to the CIA prior to the assignment of the CIA officers to the Detention and Interrogation Program. This group of officers included individuals who, among other issues, had engaged in inappropriate detainee interrogations, had workplace anger management issues, and had reportedly admitted to sexual assault.[295]

7. Bureau of Prisons "WOW'ed" by Level of Deprivation at CIA's COBALT Detention Site

(~~TS//[redacted]//NF~~) In December 2002, the CIA's Renditions Group sent a team of recently trained interrogators to DETENTION SITE COBALT to engage in interrogations. The interrogation plans proposed by that team for at least three detainees at DETENTION SITE

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[292] Email from: [redacted], [redacted]CTC/LGL; to: [REDACTED]; cc: Jose Rodriguez, [REDACTED], [REDACTED], [redacted]; subject: EYES ONLY; date: November [redacted], 2002, at 03:13:01 PM.
[293] Email from: Jose Rodriguez; to: [redacted]. [redacted]CTC/LGL; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [redacted]; subject: EYES ONLY; date: November [redacted], 2002, at 04:27 PM.
[294] Transcript of hearing, April 12, 2007 (DTS #2007-1563).
[295] The information [redacted] is described at length in the Committee Study in Volume III.

COBALT included the use of interrupted sleep, loud music, and reduction in food quality and quantity. Less than a month after the death of Gul Rahman from suspected hypothermia, the plans also called for detainees' clothes to be removed in a facility that was described to be 45 degrees Fahrenheit. CIA Headquarters approved the proposals for these detainees, whom the CIA described as "Medium Value."[296]

(~~TS//~~ [redacted] ~~//NF~~) Prior to this, in November 2002, a delegation of several officers from the Federal Bureau of Prisons conducted an assessment of DETENTION SITE COBALT. Following the November [redacted], 2002, through November [redacted], 2002, visit,[297] CIA officers in Country [redacted] remarked that the Federal Bureau of Prisons assessments, along with recommendations and training, had "made a noticeable improvement on how the day to day operations at the facility are performed," and made the detention site a "more secure and safer working environment for [redacted] officers."[298]

(~~TS//~~ [redacted] ~~//NF~~) On December 4, 2002, officers at CIA Headquarters met with individuals from the Federal Bureau of Prisons to learn more about their inspection of DETENTION SITE COBALT and their training of [redacted] security staff.[299] During that meeting, the Federal Bureau of Prisons personnel described DETENTION SITE COBALT and stated that there was "absolutely no talking inside the facility," that the guards do not interact with the prisoners, and that "[e]verything is done in silence and [in] the dark."[300] According to a CIA officer, the Federal Bureau of Prisons staff also commented that "they were 'WOW'ed'" at first by the facility, because:

> "They have never been in a facility where individuals are so sensory deprived, i.e., constant white noise, no talking, everyone in the dark, with the guards wearing a light on their head when they collected and escorted a detainee to an interrogation cell, detainees constantly being shackled to the wall or floor, and the starkness of each cell (concrete and bars). There is nothing like this in the Federal Bureau of Prisons. They then explained that they understood the mission and it was their collective assessment that in spite of all this sensory deprivation, the detainees were not being treated in humanely [sic]. They explained that the facility was sanitary, there was medical care and the guard force and our staff did not mistreat the detainee[s]."[301]

(~~TS//~~ [redacted] ~~//NF~~) By the end of December 2002, the CIA Renditions Group that had visited DETENTION SITE COBALT had concluded that the detention facility's initial "baseline conditions" involved so much deprivation that any further deprivation would have limited impact

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[296] [redacted] 31118 [redacted]; DIRECTOR [redacted]

[297] CIA detainee Gul Rahman died at DETENTION SITE COBALT at the end of the Federal Bureau of Prisons visit to the CIA detention site.

[298] [REDACTED] 30589 (271626Z NOV 02)

[299] Email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [redacted], [REDACTED]; subject: Meeting with SO & Federal Bureau of Prisons; date: December 4, 2002.

[300] Email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [redacted], [REDACTED]; subject: Meeting with SO & Federal Bureau of Prisons; date: December 4, 2002.

[301] Email from: [REDACTED]; to: [REDACTED]; subject: Meeting with SO & Federal Bureau of Prisons; date: December 5, 2002.

on the interrogations. The team thus recommended that "experts and authorities other than the individuals who crafted the process" review the interrogation process and conditions, and that a legal review be conducted.[302] CIA Headquarters does not appear to have taken action on these recommendations.

8. *The CIA Places CIA Detainees in Country [redacted] Facilities Because They Did Not Meet the MON Standard for Detention*

(~~TS//[redacted]//NF~~) In the spring of 2003, the CIA continued to hold detainees at facilities in Country [redacted] who were known not to meet the MON standard for detention. CIA officer [redacted] [CIA OFFICER 1] described the arrangement he had with Country [redacted] officers in an email, writing:

> "[redacted]. They also happen to have 3 or 4 rooms where they can lock up people discretely [sic]. I give them a few hundred bucks a month and they use the rooms for whoever I bring over - no questions asked. It is very useful for housing guys that shouldn't be in [DETENTION SITE COBALT] for one reason or another but still need to be kept isolated and held in secret detention."[303]

(~~TS//[redacted]//NF~~) CIA cables indicate that CIA officers transferred at least four detainees to these Country [redacted] facilities because they did not meet the standard for CIA detention under the MON.[304]

(~~TS//[redacted]//NF~~) In total, four CIA detention facilities were established in Country [redacted]. CIA records indicate that DETENTION SITE COBALT held a total of 64 detainees during the period of its operation between September 2002 and [redacted] 2004, while DETENTION SITE GRAY held eight detainees between [redacted] 2003 and [redacted] 2003. The CIA later established two other CIA facilities in Country [redacted]: DETENTION SITE ORANGE, which held 34 detainees between [redacted] 2004 and [redacted] 2006; and DETENTION SITE BROWN, which held 12 detainees between [redacted] 2006 and 2008.[305]

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[302] CIA document entitled Renditions Group Interrogation Team (RGIT), Baseline assessment for MVT, Detainee/Prisoner management, December 30, 2002. The CIA does not appear to have taken action on this recommendation.

[303] Email from: [redacted] [CIA OFFICER 1]; to: [REDACTED]; subject: Thanks and Query re: List of [redacted] DETAINEES; date: March 14, 2003.

[304] The cables did not explain any legal basis for detaining individuals who did not meet the detention requirements of the September 17, 2001, MON. HEADQUARTERS [redacted] ([redacted]); [redacted] 36682 ([redacted]); [redacted] 38836 ([redacted]); HEADQUARTERS [redacted]; [redacted] 41204 ([redacted]); ALEC [redacted] ([redacted]).

[305] *See* Volume III for additional information.

9. *DCI Tenet Establishes First Guidelines on Detention Conditions and Interrogation; Formal Consolidation of Program Administration at CIA Headquarters Does Not Resolve Disagreements Among CIA Personnel*

(~~TS//~~ [redacted] ~~//NF~~) In late January 2003, in response to the death of CIA detainee Gul Rahman and the use of a gun and a drill in the CIA interrogations of 'Abd al-Rahim al-Nashiri (described later in this summary), DCI Tenet signed the first formal interrogation and confinement guidelines for the program.[306] In contrast to proposals from late 2001, when CIA personnel expected that any detention facility would have to meet U.S. prison standards, the confinement guidelines signed in January 2003 set forth minimal standards for a detention facility. The confinement guidelines required only that the facility be sufficient to meet basic health needs, meaning that even a facility like DETENTION SITE COBALT, in which detainees were kept shackled in complete darkness and isolation, with a bucket for human waste, and without notable heat during the winter months, met the standard.[307]

(~~TS//~~ [redacted] ~~//NF~~) The guidelines also required quarterly assessments of the conditions at the detention facilities. The first quarterly review of detention facilities covered the period from January 2003 to April 2003, and examined conditions at DETENTION SITE COBALT, as well as at DETENTION SITE BLUE in a different country, Country [redacted].[308] At that time, DETENTION SITE BLUE, which was initially designed for two detainees, was housing five detainees. Nonetheless, the site review team found that conditions at DETENTION SITE BLUE —including the three purpose-built "holding units"—met "the minimum standards set by the CIA" in the January 2003 guidance. Detainees received bi-weekly medical evaluations, brushed their teeth once a day, washed their hands prior to each meal, and could bathe once a week. Amenities such as solid food, clothing (sweatshirts, sweatpants, and slippers), reading materials, prayer rugs, and Korans were available depending on the detainee's degree of cooperation with interrogators.[309]

(~~TS//~~ [redacted] ~~//NF~~) The first quarter 2003 review also found that conditions at DETENTION SITE COBALT satisfied the January 2003 guidance, citing "significant improvements" such as space heaters and weekly medical evaluations. The review noted that a new facility was under construction in Country [redacted] to replace DETENTION SITE COBALT, and that this new detention facility, DETENTION SITE ORANGE, "will be a quantum leap forward" because "[it] will incorporate heating/air conditioning, conventional plumbing, appropriate lighting, shower, and laundry facilities."[310] DETENTION SITE ORANGE opened in [redacted] 2004. Although some of the cells at DETENTION SITE ORANGE included plumbing,

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[306] Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001, signed by George Tenet, Director of Central Intelligence, January 28, 2003.
[307] Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001, signed by George Tenet, Director of Central Intelligence, January 28, 2003.
[308] CIA document titled, Quarterly Review of Confinement Conditions for CIA Detainees, 1/28/03 - 4/30/03, May 22, 2003.
[309] CIA document titled, Quarterly Review of Confinement Conditions for CIA Detainees, 1/28/03 - 4/30/03, May 22, 2003.
[310] CIA document titled, Quarterly Review of Confinement Conditions for CIA Detainees, 1/28/03 - 4/30/03, May 22, 2003.

detainees undergoing interrogation were kept in smaller cells, with waste buckets rather than toilet facilities.[311]

(~~TS//~~ [redacted] ~~//NF~~) The DCI's January 2003 interrogation guidelines listed 12 "enhanced techniques" that could be used with prior approval of the director of CTC, including two—use of diapers for "prolonged periods" and the abdominal slap—that had not been evaluated by the OLC. The "enhanced techniques" were only to be employed by "approved interrogators for use with [a] specific detainee." The guidelines also identified "standard techniques"—including sleep deprivation up to 72 hours, reduced caloric intake, use of loud music, isolation, and the use of diapers "generally not to exceed 72 hours"—that required advance approval "whenever feasible," and directed that their use be documented. The "standard techniques" were described as "techniques that do not incorporate physical or substantial psychological pressure." The guidelines provided no description or further limitations on the use of either the enhanced or standard interrogation techniques.[312]

(~~TS//~~ [redacted] ~~//NF~~) Although the DCI interrogation guidelines were prepared as a reaction to the death of Gul Rahman and the use of unauthorized interrogation techniques on 'Abd al-Rahim al-Nashiri, they did not reference all interrogation practices that had been employed at CIA detention sites. The guidelines, for example, did not address whether interrogation techniques such as the "rough take down,"[313] the use of cold water showers,[314] and prolonged light deprivation were prohibited. In addition, by requiring advance approval of "standard techniques" "whenever feasible," the guidelines allowed CIA officers a significant amount of discretion to determine who could be subjected to the CIA's "standard" interrogation techniques, when those techniques could be applied, and when it was not "feasible" to request advance approval from CIA Headquarters. Thus, consistent with the interrogation guidelines, throughout much of 2003, CIA officers (including personnel not trained in interrogation) could, at their discretion, strip a detainee naked, shackle him in the standing position for up to 72 hours, and douse the detainee repeatedly with cold water[315]—without approval from CIA Headquarters if those officers judged CIA Headquarters approval was not "feasible." In practice, CIA personnel routinely applied these types of interrogation techniques without obtaining prior approval.[316]

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[311] [redacted] 3741 [redacted]

[312] Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001, signed by George Tenet, Director of Central Intelligence, January 28, 2003.

[313] For a description of the "rough takedown," *see* Memorandum for Deputy Director of Operations, from [redacted], January 28, 2003, Subject: Death Investigation – Gul RAHMAN, pp. 21-22.

[314] One cold water shower was described by a CIA linguist: "Rahman was placed back under the cold water by the guards at [redacted] [CIA OFFICER 1]]'s direction. Rahman was so cold that he could barely utter his alias. According to [the on-site linguist], the entire process lasted no more than 20 minutes. It was intended to lower Rahman's resistance and was not for hygienic reasons. At the conclusion of the shower, Rahman was moved to one of the four sleep deprivation cells where he was left shivering for hours or overnight with his hand chained over his head." *See* CIA Inspector General, Report of Investigation, Death of a Detainee [redacted] (2003-7402-IG), April 27, 2005.

[315] Water dousing was not designated by the CIA as a "standard" interrogation technique until June 2003. In January 2004 water dousing was recategorized by the CIA as an "enhanced" interrogation technique.

[316] *See* Volume III for additional information.

(~~TS//[redacted]//NF~~) The DCI interrogation guidelines also included the first requirements related to recordkeeping, instructing that, for "each interrogation session in which an enhanced technique is employed," the field prepare a "substantially contemporaneous record… setting forth the nature and duration of each such technique employed, the identities of those present, and a citation to the required Headquarters approval cable."[317] In practice, these guidelines were not followed.[318]

(~~TS//[redacted]//NF~~) There were also administrative changes to the program. As noted, on December 3, 2002, CTC's Renditions Group formally assumed responsibility for the management and maintenance of all CIA detention and interrogation facilities.[319] Prior to that time, the interrogation program was "joined at the hip" with CTC's ALEC Station, according to [redacted] CTC Legal, although another CTC attorney who was directly involved in the program informed the CIA OIG that she "was never sure what group in CTC was responsible for interrogation activities."[320] Even after the formal designation of the CIA's Renditions Group,[321] tensions continued, particularly between CTC personnel who supported SWIGERT and DUNBAR's continued role, and the Renditions Group, which designated [redacted] as the

[317] DIRECTOR [redacted] (302126Z JAN 03); DIRECTOR [redacted] (311702Z JAN 03). Despite the formal record keeping requirement, the CIA's June 2013 Response argues that detailed reporting on the use of the CIA's enhanced interrogation techniques at CIA detention sites was not necessary, stating: "First, the decline in reporting over time on the use of enhanced techniques, which the *Study* characterizes as poor or deceptive record keeping, actually reflects the maturation of the program. In early 2003, a process was put in place whereby interrogators requested permission in advance for interrogation plans. The use of these plans for each detainee obviated the need for reporting in extensive detail on the use of specific techniques, unless there were deviations from the approved plan." As detailed in the Study, the process put in place by the CIA in early 2003 explicitly required record keeping, including "the nature and duration of each such technique employed, the identities of those present, and a citation to the required Headquarters approval cable." That requirement was never revised.

[318] Subsequent to the January 2003 guidance, many cables reporting the use of the CIA's enhanced interrogation techniques listed the techniques used on a particular day, but did not describe the frequency with which those techniques were employed, nor did they integrate the specific techniques into narratives of the interrogations. As the CIA interrogation program continued, descriptions of the use of the CIA's enhanced interrogation techniques were recorded in increasingly summarized form, providing little information on how or when the techniques were applied during an interrogation. There are also few CIA records detailing the rendition process for detainees and their transportation to or between detention sites. CIA records do include detainee comments on their rendition experiences and photographs of detainees in the process of being transported. Based on a review of the photographs, detainees transported by the CIA by aircraft were typically hooded with their hands and feet shackled. The detainees wore large headsets to eliminate their ability to hear, and these headsets were typically affixed to a detainee's head with duct tape that ran the circumference of the detainee's head. CIA detainees were placed in diapers and not permitted to use the lavatory on the aircraft. Depending on the aircraft, detainees were either strapped into seats during the flights, or laid down and strapped to the floor of the plane horizontally like cargo. *See* CIA photographs of renditions among CIA materials provided to the Committee pursuant to the Committee's document requests, as well as CIA detainee reviews in Volume III for additional information on the transport of CIA detainees.

[319] DIRECTOR [redacted] (032336Z DEC 03)

[320] Interview of [redacted], by [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 20, 2003. Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, February 14, 2003. CTC Chief of Operations told the Inspector General that the program was handled by the Abu Zubaydah Task Force. *See* February 11, 2003, interview report of [redacted], Office of the Inspector General.

[321] As noted, the CIA's Rendition Group is variably known as the "Renditions Group," the "Renditions and Detainees Group," the "Renditions, Detentions, and Interrogations Group," and by the initials, "RDI" and "RDG."

CIA's chief interrogator.[322] As late as June 2003, SWIGERT and DUNBAR, operating outside of the direct management of the Renditions Group, were deployed to DETENTION SITE BLUE to both interrogate and conduct psychological reviews of detainees.[323] The dispute extended to interrogation practices. The Renditions Group's leadership considered the waterboard, which Chief of Interrogations [redacted] was not certified to use, as "life threatening," and complained to the OIG that some CIA officers in the Directorate of Operations believed that, as a result, the Renditions Group was "running a 'sissified' interrogation program."[324] At the same time, CIA CTC personnel criticized the Renditions Group and [redacted] for their use of painful stress positions, as well as for the conditions at DETENTION SITE COBALT.[325]

(~~TS//~~ [redacted] ~~//NF~~) There were also concerns about possible conflicts of interest related to the contractors, SWIGERT and DUNBAR. On January 30, 2003, a cable from CIA Headquarters stated that "the individual at the interrogation site who administers the techniques is not the same person who issues the psychological assessment of record," and that only a staff psychologist, not a contractor, could issue an assessment of record."[326] In June 2003, however, SWIGERT and DUNBAR were deployed to DETENTION SITE BLUE to interrogate KSM, as well as to assess KSM's "psychological stability" and "resistance posture."[327] As described later in this summary, the contractors had earlier subjected KSM to the waterboard and other CIA enhanced interrogation techniques. The decision to send the contract psychologists to DETENTION SITE BLUE prompted an OMS psychologist to write to OMS leadership that

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[322] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003. February 21, 2003, interview report, [redacted], Office of the Inspector General. Hammond DUNBAR told the Office of Inspector General that there was "intrigue" between the RDG and him and SWIGERT, and "there were emails coming to [DETENTION SITE BLUE] that questioned [his] and [SWIGERT]'s qualifications." *See* Interview of Hammond DUNBAR, by [REDACTED] and [REDACTED], Office of the Inspector General, February 4, 2003.

[323] Email from: [redacted]; to: [redacted]; cc: [redacted]; subject: Re: [redacted] RDG Tasking for IC Psychologists [DUNBAR] and [SWIGERT]; date: June 20, 2003, at 5:23:29 PM. [redacted] OMS expressed concern that "no professional in the field would credit [SWIGERT and DUNBAR's] later judgments as psychologists assessing the subjects of their enhanced measures." (*See* email from: [redacted]; to: [redacted]; cc: [redacted]; subject: Re: [redacted] RDG Tasking for IC Psychologists DUNBAR and SWIGERT; date: June 20, 2003, at 2:19:53 PM.) The CIA's June 2013 Response states that CIA "Headquarters established CTC's Renditions and Detentions Group CTC/RDG as the responsible entity for all CIA detention and interrogation sites in December 2002, removing any latent institutional confusion."

[324] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, February 21, 2003. The chief of interrogations, [redacted], told the Inspector General that the waterboard was overused with Abu Zubaydah and KSM and was ineffective in the interrogations of KSM. (*See* Interview of [redacted], by [REDACTED] and [REDACTED] of the Office of the Inspector General, March 27, 2003.) One doctor involved in CIA interrogations using the waterboard interrogation technique stated that [redacted] "has a huge bias against the waterboard b/c he's not approved to use it. The reverse is true of the contract psy guys [SWIGERT and DUNBAR] who have a vested interest in favor of it." *See* email from: [redacted]; to: [redacted]; cc: [REDACTED]; subject: re: More; date: April 11, 2003, at 08:11:07 AM.

[325] March 10, 2003, interview report of [redacted], Office of the Inspector General. Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, February 27, 2003. Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003. March 24, 2003, interview report of [redacted], Office of the Inspector General.

[326] DIRECTOR [redacted] (301835Z JAN 03)

[327] [redacted] 12168 (301822Z JUN 03)

"[a]ny data collected by them from detainees with whom they previously interacted as interrogators will always be suspect."[328] [redacted]OMS then informed the management of the Renditions Group that "no professional in the field would credit [SWIGERT and DUNBAR's] later judgments as psychologists assessing the subjects of their enhanced measures."[329] At the end of their deployment, in June 2003, SWIGERT and DUNBAR provided their assessment of KSM and recommended that he should be evaluated on a monthly basis by "an experienced interrogator known to him" who would assess how forthcoming he is and "remind him that there are differing consequences for cooperating or not cooperating."[330] In his response to the draft Inspector General Special Review, [redacted]OMS noted that "OMS concerns about conflict of interest… were nowhere more graphic than in the setting in which the same individuals applied an EIT which only they were approved to employ, judged both its effectiveness and detainee resilience, and implicitly proposed continued use of the technique – at a daily compensation reported to be $1800/day, or four times that of interrogators who could not use the technique."[331]

D. The Detention and Interrogation of 'Abd al-Rahim al-Nashiri

1. CIA Interrogators Disagree with CIA Headquarters About Al-Nashiri's Level of Cooperation; Interrogators Oppose Continued Use of the CIA's Enhanced Interrogation Techniques

(~~TS//~~[redacted]~~//NF~~) 'Abd al-Rahim al-Nashiri,[332] assessed by the CIA to be an al-Qa'ida "terrorist operations planner" who was "intimately involved" in planning both the *USS Cole* bombing and the 1998 East Africa U.S. Embassy bombings, was captured in the United Arab Emirates in mid-October 2002.[333] He provided information while in the custody of a foreign government, including on plotting in the Persian Gulf,[334] and was then rendered by the

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[328] The email, which expressed concern that SWIGERT and DUNBAR would interfere with on-site psychologists, stated that, "[a]lthough these guys believe that their way is the only way, there should be an effort to define roles and responsibilities before their arrogance and narcissism evolve into unproductive conflict in the field." *See* email from: [redacted]; to: [redacted]; subject: [redacted]RDG Tasking for IC Psychologists DUNBAR and SWIGERT; date: June 16, 2003, at 4:54:32 PM.

[329] Email from: [redacted]; to: [redacted]; cc: [redacted]; subject: Re: [redacted]RDG Tasking for IC Psychologists DUNBAR and SWIGERT; date: June 20, 2003, at 2:19:53 PM.

[330] [redacted] 12168 (301822Z JUN 03). The CIA's June 2013 Response states: "In practice, by April 2003, [CIA] staff psychologists had taken over almost all of the provisions of support to the RDI program. As it concerned [SWIGERT] and [DUNBAR], however, the appearance of impropriety continued, albeit to a lesser degree, because they were occasionally asked to provide input to assessments on detainees whom they had *not* interrogated" (emphasis added). The CIA's June 2013 Response is inaccurate. For example, in June 2003, SWIGERT and DUNBAR provided an assessment on KSM, a detainee whom they *had* interrogated.

[331] Memorandum for Inspector General, Attention: Assistant IG for Investigations, [REDACTED], from [REDACTED], M.D., [redacted]Medical Services [redacted] re Draft Special Review-Counterterrorism Detention and Interrogation Program (2003-7123-IG), at 13.

[332] For more information on al-Nashiri, *see* detainee review of 'Abd al-Rahim al-Nashiri in Volume III.

[333] ALEC [redacted]; 11357 (021242Z DEC 02); [redacted] 36710 [redacted].

[334] *See* [redacted] 36595 [redacted]; 36726 [redacted]; ALEC [redacted]. For disseminated intelligence, *see* [redacted] CIA [redacted]; CIA [redacted]; CIA [redacted]; CIA [redacted]. For other reporting from al-Nashiri while he was in foreign government custody, *see*

CIA to DETENTION SITE COBALT in Country [redacted] on November [redacted], 2002, where he was held for [redacted] days before being transferred to DETENTION SITE GREEN on November [redacted], 2002.[335] At DETENTION SITE GREEN, al-Nashiri was interrogated using the CIA's enhanced interrogation techniques, including being subjected to the waterboard at least three times.[336] In December 2002, when DETENTION SITE GREEN was closed, al-Nashiri and Abu Zubaydah were rendered to DETENTION SITE BLUE.[337]

(~~TS//~~ [redacted] ~~//NF~~) In total, al-Nashiri was subjected to the CIA's enhanced interrogation techniques during at least four separate periods, with each period typically ending with an assessment from on-site interrogators that al-Nashiri was compliant and cooperative.[338] Officers at CIA Headquarters disagreed with these assessments, with the deputy chief of ALEC Station, [redacted], commenting that DETENTION SITE BLUE interrogators should not make "sweeping statements" in cable traffic regarding al-Nashiri's compliance.[339] Officers at CIA Headquarters sought to reinstate the use of the CIA's enhanced interrogation techniques based on their belief that al-Nashiri had not yet provided actionable intelligence on imminent attacks.[340]

(~~TS//~~ [redacted] ~~//NF~~) Shortly after al-Nashiri arrived at DETENTION SITE BLUE, CIA interrogators at the detention site judged al-Nashiri's cooperation and compliance by his engagement and willingness to answer questions, while CIA Headquarters personnel judged his compliance based on the specific actionable intelligence he had provided (or the lack thereof). For example, in December 2002, interrogators informed CIA Headquarters that al-Nashiri was "cooperative and truthful," and that the "consensus" at the detention site was that al-Nashiri was

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[redacted] 70879 [redacted] 70866 [redacted]; [redacted] 70868 [redacted], 70870 [redacted]. For disseminated intelligence, *see* [redacted];

[335] [redacted] 29768 ([redacted] NOV 02); [redacted] 11243 ([redacted] NOV 02)

[336] *See*, for example, [redacted] 11246 [redacted] NOV 02); [redacted] 11258 [redacted] NOV 02); [redacted] 11263 [redacted] NOV 02); [redacted] 11270 [redacted] NOV 02); [redacted] 11284 [redacted] NOV 02); [redacted] 11294 [redacted] NOV 02); [redacted] 11293 [redacted] NOV 02); [redacted] 11322 [redacted] NOV 02); [redacted] 11352 [redacted] DEC 02); [redacted] 11359 [redacted] DEC 02); [redacted] 11322 [redacted] NOV 02); [redacted] 11344 [redacted] NOV 02).

[337] [redacted] 78275 ([redacted] DEC 02)

[338] Al-Nashiri's time at DETENTION SITE COBALT is not well documented in CIA records. As described elsewhere, standard operating procedure at COBALT at the time included total light deprivation, loud continuous music, isolation, and dietary manipulation. Based on CIA records, the other four "enhanced interrogation" periods of al-Nashiri took place at DETENTION SITE BLUE on December 5-8, 2002; December 27, 2002 – January 1, 2003; January 9-10, 2003; and January 15-27, 2003. *See* [redacted] 10030 (111541Z DEC 02); [redacted] 10078 (211733Z DEC 02); [redacted] 10140 (031727Z JAN 03); ALEC [redacted] (191729Z JAN 03).

[339] Email from: [redacted]; to: [redacted], [REDACTED]; cc: [redacted], [redacted], [redacted], [REDACTED], [REDACTED]; subject: [DETENTION SITE BLUE] follow-up; date: December 15, 2002.

[340] *See*, for example, ALEC [redacted] (072315Z DEC 02); ALEC [redacted] (130352Z DEC 02); ALEC [redacted] (180247Z DEC 02); ALEC [redacted] (191729Z JAN 03); CIA Office of Inspector General, Report of Investigation: Unauthorized Interrogation Techniques at [DETENTION SITE BLUE], (2003-7123-IG), October 29, 2003. *See also* CIA Office of Inspector General report, Counterterrorism Detention And Interrogation Activities (September 2001 - October 2003) (2003-7123-IG), released on May 7, 2004.

"a compliant detainee" who was not "withholding important threat information."[341] Officers from the CIA's ALEC Station at CIA Headquarters responded:

> "it is inconceivable to us that al-Nashiri cannot provide us concrete leads.... When we are able to capture other terrorists based on his leads and to thwart future plots based on his reporting, we will have much more confidence that he is, indeed, genuinely cooperative on some level."[342]

(~~TS//[redacted]//NF~~) Later, after multiple follow-up debriefings, DETENTION SITE BLUE officers again wrote that they had "reluctantly concluded" that al-Nashiri was providing "logical and rational explanations" to questions provided by CIA Headquarters and therefore they recommended "against resuming enhanced measures" unless ALEC Station had evidence al-Nashiri was lying.[343] A cable from the detention site stated:

> "without tangible proof of lying or intentional withholding, however, we believe employing enhanced measures will accomplish nothing except show [al-Nashiri] that he will be punished whether he cooperates or not, thus eroding any remaining desire to continue cooperating.... [The] bottom line is that we think [al-Nashiri] is being cooperative, and if subjected to indiscriminate and prolonged enhanced measures, there is a good chance he will either fold up and cease cooperation, or suffer the sort of permanent mental harm prohibited by the statute. Therefore, a decision to resume enhanced measures must be grounded in fact and not general feelings."[344]

2. *CIA Headquarters Sends Untrained Interrogator to Resume Al-Nashiri's Interrogations; Interrogator Threatens al-Nashiri with a Gun and a Drill*

(~~TS//[redacted]//NF~~) After the DETENTION SITE BLUE chief of Base sent two interrogators back to the United States because of "prolonged absences from family" and the "fact that enhanced measures are no longer required for al-Nashiri," CIA Headquarters sent [redacted] [CIA OFFICER 2], a CIA [redacted] officer who had not been trained or qualified as an interrogator, to DETENTION SITE BLUE to question and assess al-Nashiri.[345]

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[341] [redacted] 10030 (111541Z DEC 02)
[342] ALEC [redacted] (180247Z DEC 02)
[343] [redacted] 10085 (230906Z DEC 02)
[344] [redacted] 10085 (230906Z DEC 02)
[345] [redacted] 10040 (122122Z DEC 02). Prior to [redacted] [CIA OFFICER 2's] deployment, CIA records included numerous concerns about [redacted] [CIA OFFICER 2's] anger management, [redacted], and [redacted]. For more information on [redacted] [CIA OFFICER 2] and other CIA personnel in the program with similar alarming issues in their background, *see* Volume III. The CIA's June 2013 Response states that: "[redacted] some of the [redacted] officers mentioned in the Study—[redacted] should have been excluded—much of the derogatory information was not in fact available to senior managers making assignments [redacted]." Notwithstanding the CIA's June 2013 assertion, as detailed in Volume III, senior managers were aware of concerns related to [redacted] [CIA OFFICER 2] prior to his deployment.

(~~TS//~~ [redacted] ~~//NF~~) In late December 2002, following a meeting at CIA Headquarters to discuss resuming the use of the CIA's enhanced interrogation techniques against al-Nashiri, [redacted], the chief of RDG[346]—the entity that managed the CIA's Detention and Interrogation Program—objected to sending [redacted] [CIA OFFICER 2] to the detention site because he "had not been through the interrogation training" and because [redacted] "had heard from some colleagues that [redacted] [CIA OFFICER 2]] was too confident, had a temper, and had some security issues." [redacted] later learned from other CIA officials that "[CTC chief of operations [redacted]] wanted [redacted] [CIA OFFICER 2]] at [DETENTION SITE BLUE] over the holidays." [redacted] told the Office of Inspector General that "his assessment is that the Agency management felt that the [RDG] interrogators were being too lenient with al-Nashiri and that [redacted] [CIA OFFICER 2]] was sent to [DETENTION SITE BLUE] to 'fix' the situation."[347]

(~~TS//~~ [redacted] ~~//NF~~) [redacted] [CIA OFFICER 2] arrived at DETENTION SITE BLUE on December [redacted], 2002, and the CIA resumed the use of its enhanced interrogation techniques on al-Nashiri shortly thereafter, despite the fact that [redacted] [CIA OFFICER 2] had not been trained, certified, or approved to use the CIA's enhanced interrogation techniques. [redacted] [CIA OFFICER 2] wrote in a cable to CIA Headquarters that "[al]-Nashiri responds well to harsh treatment" and suggested that the interrogators continue to administer "various degrees of mild punishment," but still allow for "a small degree of 'hope,' by introducing some 'minute rewards.'"[348]

(~~TS//~~ [redacted] ~~//NF~~) It was later learned that during these interrogation sessions, [redacted] [CIA OFFICER 2], with the permission and participation of the DETENTION SITE BLUE chief of Base, who also had not been trained and qualified as an interrogator, used a series of unauthorized interrogation techniques against al-Nashiri. For example, [redacted] [CIA OFFICER 2] placed al-Nashiri in a "standing stress position" with "his hands affixed over his head" for approximately two and a half days.[349] Later, during the course of al-Nashiri's debriefings, while he was blindfolded, [redacted] [CIA OFFICER 2] placed a pistol near al-Nashiri's head and operated a cordless drill near al-Nashiri's body.[350] Al-Nashiri did not provide any additional threat information during, or after, these interrogations.[351]

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[346] As described, the "Renditions and Interrogations Group," is also referred to as the "Renditions Group," the "Rendition, Detention, and Interrogation Group," "RDI," and "RDG" in CIA records.

[347] Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], February 23, 2003.

[348] [redacted] 10140 (031727Z JAN 03)

[349] *See* email from: [redacted]; to: [redacted]; subject: EYES ONLY – [redacted] ONLY – MEMORANDUM FOR ADDO/DDO; date: January 22, 2003. In an April 12, 2007, Senate Select Committee on Intelligence hearing, Senator Carl Levin asked the CIA Director if the CIA disputed allegations in an International Committee of the Red Cross report that suggested CIA detainees were placed in "[p]rolonged stress standing position, naked, arm[s] chained above the head...." The CIA Director responded, "Not above the head. Stress positions are part of the EITs, and nakedness were part of the EITs, Senator." *See* Senate Select Committee on Intelligence Hearing Transcript, dated April 12, 2007 (DTS #2007-3158).

[350] *See*, for example, CIA Office of Inspector General, Report of Investigation: Unauthorized Interrogation Techniques at [DETENTION SITE BLUE], (2003 7123-IG), October 29, 2003; email from: [DETENTION SITE BLUE] COB [redacted]; to: [redacted]; subject: EYES ONLY - [redacted] ONLY -- MEMO FOR ADDO/DDO; date: January 22, 2003.

[351] For additional details, *see* Volume III.

(~~TS//[redacted]//NF~~) Based on a report from CTC, the CIA Office of Inspector General conducted a review of these interrogation incidents, and issued a report of investigation in the fall of 2003.[352] The Office of Inspector General later described additional allegations of unauthorized techniques used against al-Nashiri by [redacted] [CIA OFFICER 2] and other interrogators, including slapping al-Nashiri multiple times on the back of the head during interrogations; implying that his mother would be brought before him and sexually abused; blowing cigar smoke in al-Nashiri's face; giving al-Nashiri a forced bath using a stiff brush; and using improvised stress positions that caused cuts and bruises resulting in the intervention of a medical officer, who was concerned that al-Nashiri's shoulders would be dislocated using the stress positions.[353] When interviewed by the Office of Inspector General, the DETENTION SITE BLUE chief of Base stated he did not object to using the gun and drill in the interrogations because he believed [redacted] [CIA OFFICER 2] was sent from CIA Headquarters "to resolve the matter of al-Nashiri's cooperation" and that he believed [redacted] [CIA OFFICER 2] had permission to use the interrogation techniques.[354] The chief of Base added that his own on-site approval was based on this and "the pressure he felt from Headquarters to obtain imminent threat information from al-Nashiri on 9/11-style attacks."[355] In April 2004, [redacted] [CIA OFFICER 2] and the chief of Base were disciplined.[356]

3. *CIA Contractor Recommends Continued Use of the CIA's Enhanced Interrogation Techniques Against Al-Nashiri; Chief Interrogator Threatens to Quit Because Additional Techniques Might "Push [Al-Nashiri] Over The Edge Psychologically," Refers to the CIA Program As a "Train Wreak [sic] Waiting to Happen"*

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[352] CIA Office of Inspector General, Report of Investigation: Unauthorized Interrogation Techniques at [DETENTION SITE BLUE], (2003-7123-IG), October 29, 2003.

[353] CIA Office of Inspector General, Special Review – Counterterrorism Detention and Interrogation Program, (2003-7123-IG), May 2004.

[354] CIA Office of Inspector General, Report of Investigation: Unauthorized Interrogation Techniques at [DETENTION SITE BLUE], (2003-7123-IG), October 29, 2003.

[355] CIA Office of Inspector General, Report of Investigation: Unauthorized Interrogation Techniques at [DETENTION SITE BLUE], (2003-7123-IG), October 29, 2003.

[356] [redacted] [CIA OFFICER 2] received a one-year Letter of Reprimand, was suspended for five days without pay, and was prohibited from promotions, within-grade step increases, quality step increases, or permanent salary increases during that one-year period. The decision did not affect [redacted] [CIA OFFICER 2's] eligibility to receive Exceptional Performance Awards, bonuses, or non-monetary forms of recognition. *See* [redacted] [CIA OFFICER 2] retired from the CIA on [redacted], 2004. (*See* [redacted].) On June 20, 2005, the CIA director of transnational issues, aware of [redacted] [CIA OFFICER 2's] problematic background, approved [redacted] [CIA OFFICER 2's] employment on a CIA contract because the project was "mission critical" and "no other contractor with the needed skills was available." (*See* [redacted].) The chief of Base received a two-year Letter of Reprimand and a ten-day suspension without pay, and was prohibited from receiving any bonus awards from the CIA during the period of reprimand. On [redacted], 2003, prior to the implementation of the prohibitions, this individual retired from the CIA. *See* [redacted].

(~~TS//~~ [redacted] ~~//NF~~) On January [redacted], 2003, CIA contractor DUNBAR arrived at DETENTION SITE BLUE to conduct a "Psychological Interrogation Assessment" to judge al-Nashiri's suitability for the additional use of the CIA's enhanced interrogation techniques and develop recommendations for his interrogation. The resulting interrogation plan proposed that the interrogators would have the "latitude to use the full range of enhanced exploitation and interrogation measures," adding that "the use of the water board would require additional support from" fellow CIA contractor Grayson SWIGERT. According to the interrogation plan, once the interrogators had eliminated al-Nashiri's "sense of control and predictability" and established a "desired level of helplessness," they would reduce the use of the CIA's enhanced interrogation techniques and transition to a debriefing phase once again.[357]

(~~TS//~~ [redacted] ~~//NF~~) After receiving the proposed interrogation plan for al-Nashiri on January 21, 2003, [redacted], the CIA's chief of interrogations—whose presence had previously prompted al-Nashiri to tremble in fear[358]—emailed CIA colleagues to notify them that he had "informed the front office of CTC" that he would "no longer be associated in any way with the interrogation program due to serious reservation[s] [he had] about the current state of affairs" and would instead be "retiring shortly." In the same email, [redacted] wrote, "[t]his is a train wreak [sic] waiting to happen and I intend to get the hell off the train before it happens."[359] [redacted] drafted a cable for CIA Headquarters to send to DETENTION SITE BLUE raising a number of concerns that he, the chief of interrogations, believed should be "entered for the record." The CIA Headquarters cable—which does not appear to have been disseminated to DETENTION SITE BLUE—included the following:

> "we have serious reservations with the continued use of enhanced techniques with [al-Nashiri] and its long term impact on him. [Al-Nashiri] has been held for three months in very difficult conditions, both physically and mentally. It is the assessment of the prior interrogators that [al-Nashiri] has been mainly truthful and is not withholding significant information. To continue to use enhanced technique[s] without clear indications that he [is] withholding important info is excessive and may cause him to cease cooperation on any level. [Al-Nashiri] may come to the conclusion that whether he cooperates or not, he will continually be subjected to enhanced techniques, therefore, what is the incentive for continued cooperation. Also, both C/CTC/RG [Chief of CTC RDG [redacted]] and HVT Interrogator [[redacted]] who departed [DETENTION SITE BLUE] in [redacted] January, believe continued enhanced methods may push [al-Nashiri] over the edge psychologically."[360]

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[357] [redacted] 10267 [redacted]

[358] According to a December 12, 2002, CIA cable, al-Nashiri "visibly and markedly trembles with fear every time he sees [[redacted]]." *See* [redacted] 10038 (122119Z DEC 02).

[359] Email from: [redacted]; to: [redacted]; cc: [REDACTED]; subject: Re: date: January 22, 2003. Despite this notification, [redacted] did not immediately resign from the interrogation program.

[360] Email from: [redacted]; to: [redacted], [REDACTED], [redacted], [redacted], [REDACTED], [REDACTED]; subject: CONCERNS OVER REVISED INTERROGATION PLAN FOR NASHIRI; date: January 22, 2003. [redacted], referenced in the passage as a "HVT Interrogator," was the chief of interrogations.

(~~TS//[redacted]//NF~~) The draft cable from [redacted] also raised "conflict of responsibility" concerns, stating:

> "Another area of concern is the use of the psychologist as an interrogator. The role of the ops psychologist is to be a detached observer and serve as a check on the interrogator to prevent the interrogator from any unintentional excess of pressure which might cause permanent psychological harm to the subject. The medical officer is on hand to provide the same protection from physical actions that might harm the subject. Therefore, the medical officer and the psychologist should not serve as an interrogator, which is a conflict of responsibility. We note that [the proposed plan] contains a psychological interrogation assessment by [redacted] psychologist [DUNBAR] which is to be carried out by interrogator [DUNBAR]. We have a problem with him conducting both roles simultaneously."[361]

(~~TS//[redacted]//NF~~) Rather than releasing the cable that was drafted by [redacted], CIA Headquarters approved a plan to reinstitute the use of the CIA's enhanced interrogation techniques against al-Nashiri, beginning with shaving him, removing his clothing, and placing him in a standing sleep deprivation position with his arms affixed over his head.[362] CIA cables describing subsequent interrogations indicate that al-Nashiri was nude and, at times, "put in the standing position, handcuffed and shackled."[363] According to cables, CIA interrogators decided to provide al-Nashiri clothes to "hopefully stabilize his physiological symptoms and prevent them from deteriorating,"[364] noting in a cable the next day that al-Nashiri was suffering from a head cold which caused his body to shake for approximately ten minutes during an interrogation.[365]

(~~TS//[redacted]//NF~~) Beginning in June 2003, the CIA transferred al-Nashiri to five different CIA detention facilities before he was transferred to U.S. military custody on September 5, 2006.[366] In the interim, he was diagnosed by some CIA psychologists as having "anxiety" and "major depressive" disorder,[367] while others found no symptoms of either illness.[368] He was a difficult and uncooperative detainee and engaged in repeated belligerent acts, including attempts to assault CIA detention site personnel and efforts to damage items in his

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[361] Email from: [redacted]; to: [redacted], [REDACTED], [redacted], [redacted], [REDACTED], [REDACTED]; subject: CONCERNS OVER REVISED INTERROGATION PLAN FOR NASHIRI; date: January 22, 2003. As noted above, personnel from CIA's Office of Medical Services raised the same concerns about medical and psychological personnel serving both to assess the health of a detainee and to participate in the interrogation process.

[362] DIRECTOR [redacted] (201659Z JAN 03); DIRECTOR [redacted] (230008Z JAN 03)

[363] [redacted] 10289 (241203Z JAN 03); [redacted] 10296 (251113Z JAN 03), [redacted] 10306 (261403Z JAN 03)

[364] 10309 (261403Z JAN 03)

[365] 10312 (270854Z JAN 03)

[366] HEADQUARTERS [redacted] (031945Z SEP 06); [redacted] 1242 (050744Z SEP 06); HEADQUARTERS [redacted] (051613Z SEP 06)

[367] *See*, for example, [redacted] 11247 (141321Z APR 03); [redacted] 1959 (111700Z DEC 04); [redacted] 2038 (211558Z JAN 05); [redacted] 2169 (251133Z MAR 05); [redacted] 11701 (191640Z MAY 03); [redacted] 1756 (190800Z SEP 03).

[368] [redacted] 1502 (021841Z AUG 04); [redacted] 2709 (271517Z APR 06); [redacted] 3910 (241852Z JAN 06); [redacted] 2709 (271517Z APR 06)

cell.[369] Over a period of years, al-Nashiri accused the CIA staff of drugging or poisoning his food, and complained of bodily pain and insomnia.[370] At one point, al-Nashiri launched a short-lived hunger strike that resulted in the CIA force feeding him rectally.[371]

(~~TS//[redacted]//NF~~) In October 2004, 21 months after the final documented use of the CIA's enhanced interrogation techniques against al-Nashiri, an assessment by CIA contract interrogator DUNBAR and another CIA interrogator concluded that al-Nashiri provided "essentially no actionable information," and that "the probability that he has much more to contribute is low."[372] Over the course of al-Nashiri's detention and interrogation by the CIA, the CIA disseminated 145 intelligence reports based on his debriefings. Al-Nashiri provided information on past operational plotting, associates whom he expected to participate in plots, details on completed operations, and background on al-Qa'ida's structure and methods of operation.[373] Al-Nashiri did not provide the information that the CIA's ALEC Station sought and believed al-Nashiri possessed, specifically "perishable threat information to help [CIA] thwart future attacks and capture additional operatives."[374]

E. Tensions with Country [redacted] Relating to the CIA Detention Facility and the Arrival of New Detainees

(~~TS//[redacted]//NF~~) According to CIA records, three weeks after [redacted] and political leadership of Country [redacted] agreed to host a CIA detention facility, the CIA informed the U.S. ambassador, because, as was noted in a cable, by not doing so, the CIA was

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[369] *See*, for example, [redacted] 1029 (291750Z JUN 06); [redacted] 1142 (041358Z AUG 06); [redacted] 1543 (111600Z AUG 04); [redacted] 1716 (180742Z SEP 04); [redacted] 3051 (301235Z SEP 05); [redacted] 1029 (291750Z JUN 06); [redacted] 2474 (251622Z JUN 05); [redacted] 2673 (021451Z AUG 05); [redacted] 1716 (180742Z SEP 04).

[370] *See*, for example, [redacted] 1356 (011644Z JUL 04); [redacted] 1880 (140917Z NOV 04); [redacted] 1959 (111700Z DEC 04); [redacted] 1962 (121029Z DEC 04); [redacted] 1959 (111700Z DEC 04); [redacted] 2038 (211558Z JAN 05); [redacted] 1091 (031835Z NOV 03); [redacted] 1266 (052309Z JAN 04); [redacted] 1630 (271440Z MAR 04).

[371] [redacted] 1203 (231709Z MAY 04); [redacted] 1202 (231644Z MAY 04)

[372] [redacted] 1843 (271356Z OCT 04). In the final years of al-Nashiri's detention, most of the intelligence requirements for al-Nashiri involved showing al-Nashiri photographs. In June 2005, the DETENTION SITE BLACK chief of Base suspended even these debriefings because it was "the very, very rare moment" that al-Nashiri would recognize a photograph, and because the debriefings often were the "catalyst" for his outbursts. *See* [redacted] 2474 (251622Z JUN 05).

[373] While still in the custody of a foreign government, prior to his rendition to CIA custody, al-Nashiri provided details on multiple terrorist plots in which he was involved prior to his detention, including the attacks against the *USS Cole* and the *MV Limburg*, plans to sink oil tankers in the Strait of Hormuz, plans to attack warships docked at ports in Dubai and Jeddah, and his casing of a Dubai amusement park. This information was disseminated in intelligence reports: [redacted] 36595 [redacted]; [redacted] 36726 [redacted]; ALEC [redacted]. For disseminated intelligence, *see* [redacted] CIA [redacted]; [redacted] CIA [redacted]; [redacted] CIA [redacted]. For other reporting from al-Nashiri while he was in the custody of a foreign government, *see* [redacted] 70879 [redacted] 70866 [redacted]; [redacted] 70868 [redacted]; [redacted] 70870 [redacted]. For disseminated intelligence, *see* [redacted].

[374] ALEC [redacted]

"risking that he hear of this initiative" from Country [redacted] officials.[375] As was the case in other host countries, the ambassador in Country [redacted] was told by the CIA not to speak with any other State Department official about the arrangement.[376]

(~~TS//[redacted]//NF~~) Prior to the opening of the CIA detention facility in Country [redacted], [redacted] CTC Legal, [redacted], warned of possible legal actions against CIA employees in countries that "take a different view of the detention and interrogation practices employed by [the CIA]."[377] He further recommended against the establishment of CIA facilities in countries that [redacted].[378] [redacted]'s advice was not heeded and, in December 2002, the two individuals then being detained by the CIA in Country [redacted] (Abu Zubaydah and 'Abd al-Rahim al-Nashiri) were transferred to Country [redacted].[379]

(~~TS//[redacted]//NF~~) The agreement to host a CIA detention facility in Country [redacted] created multiple, ongoing difficulties between Country [redacted] and the CIA. Country [redacted]'s [redacted] proposed a written "Memorandum of Understanding" covering the relative roles and responsibilities of the CIA and [redacted], which the CIA ultimately refused to sign.[380] Four months after the detention site began hosting CIA detainees, Country [redacted] rejected the transfer of [redacted], which included Khalid Shaykh Muhammad. The decision was reversed only after the U.S. ambassador intervened with the political leadership of Country [redacted] on the CIA's behalf.[381] The following month, the CIA provided $[redacted] million to Country [redacted]'s [redacted][382] after which [redacted] officials, speaking for [redacted] and the Country [redacted] political leadership, indicated that Country [redacted] was now flexible with regard to the number of CIA detainees at the facility and when the facility would eventually be closed.[383] The facility, which was described by the CIA as "over capacity," was nonetheless closed, as had been previously agreed, in [redacted] [the fall of] 2003.[384]

(~~TS//[redacted]//NF~~) According to CIA cables, years later, [redacted] officials in Country [redacted] reacted with "deep shock and regret" [redacted] which they acknowledged was "[redacted]."[385] [redacted] [Country [redacted]] officials were "extremely upset"[386] at the CIA's inability to keep secrets and were "deeply disappointed" in not having had more warning

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[375] [REDACTED] 84200 [redacted]
[376] DIRECTOR [redacted]
[377] [redacted] 10640 [redacted]
[378] The CIA insisted [redacted] be redacted in the Committee Study prior to the Study being relocated to the U.S. Senate from the off-site research facility.
[379] [redacted] 78275 [redacted] DEC 02)
[380] [REDACTED] 1888 [redacted]
[381] [REDACTED] 2666
[382] HEADQUARTERS [redacted]
[383] [REDACTED] 3280 [redacted]. According to the cable, the CIA Station speculated that the change of position was "at least somewhat attributable… to our gift of $[redacted] million…."
[384] *See* Volume I for additional details.
[385] [REDACTED] 7526 ([REDACTED] [REDACTED])
[386] [REDACTED] 7849 ([REDACTED] [REDACTED])

of President Bush's September 2006 public acknowledgment of the CIA program.[387] The CIA Station, for its part, described the [redacted] as a "serious blow" to the bilateral relationship.[388]

F. The Detention and Interrogation of Ramzi Bin Al-Shibh

1. Ramzi Bin Al-Shibh Provides Information While in Foreign Government Custody, Prior to Rendition to CIA Custody

(~~TS//[redacted]//NF~~) As early as September 15, 2001, Ramzi bin al-Shibh was assessed by the CIA to be a facilitator for the September 11, 2001, attacks and an associate of the 9/11 hijackers.[389] While targeting another terrorist, Hassan Ghul, [redacted] Pakistani officials unexpectedly captured bin al-Shibh during raids in Pakistan on September 11, 2002.[390] On September [redacted], 2002, bin al-Shibh was rendered to a foreign government, [redacted].[391] Approximately five months later, on February [redacted], 2003, bin al-Shibh was rendered from the custody of [redacted] to CIA custody, becoming the 41st CIA detainee.[392]

(~~TS//[redacted]//NF~~) As with Abu Zubaydah and 'Abd al-Rahim al-Nashiri, personnel at CIA Headquarters—often in ALEC Station—overestimated the information bin al-Shibh would have access to within al-Qa'ida, writing that bin al-Shibh "likely has critical information on upcoming attacks and locations of senior al-Qa'ida operatives."[393] Later, after bin al-Shibh was interrogated using the CIA's enhanced interrogation techniques for an estimated 34 days, the CIA's ALEC Station concluded that bin al-Shibh was not a senior member of al-Qa'ida and was not in a position to know details about al-Qa'ida's plans for future attacks.[394] In another parallel, officers at CIA Headquarters requested and directed the continued use of the CIA's enhanced interrogation techniques against bin al-Shibh when CIA detention site personnel recommended ending such measures.[395]

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[387] [REDACTED] 9210 (231043Z SEP 06)

[388] [REDACTED] 7839 ([REDACTED]). Email from: [REDACTED]; to [REDACTED]; subject: BOMBSHELL; date: [REDACTED]. Email from: [REDACTED]; to: [REDACTED], [REDACTED]; subject: CIA Prisons in [Country [redacted]; date: [REDACTED]. Email from: [REDACTED]; to: [REDACTED], [REDACTED]; subject: I think [redacted] had to react [REDACTED]. [redacted]; date: [REDACTED].

[389] ALEC [redacted] (222334Z SEP 01); [redacted] 92557 (15SEP 01)

[390] ALEC [redacted] (292345Z AUG 02); ALEC [redacted] (111551Z SEP 02). The CIA represented to policymakers and others—inaccurately—that "as a result of the use of EITs" Abu Zubaydah provided information on Ramzi bin al-Shibh that played a "key role in the ultimate capture of Ramzi Bin al-Shibh." *See* section of this summary on the "Capture of Ramzi bin al-Shibh" and Volume II for additional details.

[391] *See* [redacted] 22507 [redacted]; [redacted] 22508 [redacted]; [redacted] 20744 [redacted].

[392] [redacted] 10406 [redacted] *See also* [redacted] 22694 [redacted] 22695 [redacted] 10407 [redacted].

[393] ALEC [redacted] (130206Z SEP 02); ALEC [redacted] (222334Z SEP 01); [redacted] 92557 (15SEP01); ALEC [redacted] (270132Z JUL 02); [redacted] 97470 (281317Z MAR 02)

[394] ALEC [redacted] (302240Z JUN 05)

[395] ALEC [redacted] (131444Z FEB 03)

(~~TS//~~ [redacted] ~~//NF~~) Ramzi bin al-Shibh was initially interrogated by a foreign government.[396] While officers at CIA Headquarters were dissatisfied with the intelligence production from his five months of detention in foreign government custody, CIA officers in that country were satisfied with bin al-Shibh's reporting.[397] Those CIA officers wrote that bin al-Shibh had provided information used in approximately 50 CIA intelligence reports, including information on potential future threats, to include a potential attack on London's Heathrow Airport and al-Nashiri's planning for potential operations in the Arabian Peninsula. The CIA officers [redacted] [in-country] also noted that they found bin al-Shibh's information to be generally accurate and that they "found few cases where he openly/clearly misstated facts."[398] In a cable to CIA Headquarters, the CIA officers in [redacted] [the country where Ramzi bin al-Shibh was being held] concluded, "overall, he provided what was needed." The same cable stated that bin al-Shibh's interrogation was similar to other interrogations they had participated in, and that the most effective interrogation tool was having information available to confront him when he tried to mislead or provide incomplete information.[399] Personnel at CIA Headquarters concluded in 2005 that the most significant intelligence derived from bin al-Shibh was obtained during his detention in foreign government custody, which was prior to his rendition to CIA custody and the use of the CIA's enhanced interrogation techniques.[400]

2. *Interrogation Plan for Ramzi Bin Al-Shibh Proposes Immediate Use of Nudity and Shackling with Hands Above the Head; Plan Becomes Template for Future Detainees*

(~~TS//~~ [redacted] ~~//NF~~) Despite the aforementioned assessments from CIA officers in [redacted] concerning bin al-Shibh's cooperation, officers at CIA Headquarters decided the CIA should obtain [redacted] custody of bin al-Shibh and render him to DETENTION SITE BLUE in Country [redacted].[401] On February [redacted], 2003, in anticipation of bin al-Shibh's arrival, interrogators at the detention site, led by the CIA's chief interrogator, [redacted], prepared an interrogation plan for bin al-Shibh.[402] The plan became a template, and subsequent requests to CIA Headquarters to use the CIA's enhanced interrogation techniques against other detainees relied upon near identical language.[403]

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[396] ALEC [redacted] (111551Z SEP 02)
[397] DIRECTOR [redacted] DEC (02)
[398] [redacted] 22888 (240845Z FEB 03)
[399] [redacted] 22888 (240845Z FEB 03)
[400] According to a 2005 CIA assessment, the "most significant" reporting from Ramzi bin al-Shibh on potential future attacks was background information related to al-Qa'ida's plans to attack Heathrow Airport. According to the CIA, Ramzi bin al-Shibh provided "useful intelligence," including an "overview of the plot" that was then used in the interrogation of other detainees. (*See* ALEC [redacted] (302240Z JUN 05).) Ramzi bin al-Shibh provided the majority of this information in mid-October 2002, while in foreign government custody. *See* CIA [redacted].
[401] [redacted] 10406 [redacted]. *See also* [redacted] 22694 [redacted] 22695 [redacted] 10407 [redacted].
[402] [redacted] 10361 [redacted]
[403] This included Khaled Shaykh Mohammed ([redacted] 10654 (030904Z MAR 03)); Hambali [redacted] 1310 (101825Z SEP 03)); Abu Yasir al-Jaza'iri ([redacted] 10990 [redacted]); Abd al-Latif al Barq [redacted] 12348 [redacted]); Hambali and Lillie ([redacted] 1243 (152049Z AUG

(~~TS//[redacted]//NF~~) The interrogation plan proposed that immediately following the psychological and medical assessments conducted upon his arrival, bin al-Shibh would be subjected to "sensory dislocation."[404] The proposed sensory dislocation included shaving bin al-Shibh's head and face, exposing him to loud noise in a white room with white lights, keeping him "unclothed and subjected to uncomfortably cool temperatures," and shackling him "hand and foot with arms outstretched over his head (with his feet firmly on the floor and not allowed to support his weight with his arms)."[405] Contrary to CIA representations made later to the Committee that detainees were always offered the opportunity to cooperate before being subjected to the CIA's enhanced interrogation techniques, the plan stated that bin al-Shibh would be shackled nude with his arms overhead in a cold room prior to any discussion with interrogators or any assessment of his level of cooperation.[406] According to a cable, only after the interrogators determined that his "initial resistance level [had] been diminished by the conditions" would the questioning and interrogation phase begin.[407]

(~~TS//[redacted]//NF~~) The interrogation phase described in the plan included near constant interrogations, as well as continued sensory deprivation, a liquid diet, and sleep deprivation. In addition, the interrogation plan stated that the CIA's enhanced interrogation techniques would be used, including the "attention grasp, walling, the facial hold, the facial slap… the abdominal slap, cramped confinement, wall standing, stress positions, sleep deprivation beyond 72 hours, and the waterboard, as appropriate to [bin al-Shibh's] level of resistance."[408]

(~~TS//[redacted]//NF~~) Based on versions of this interrogation plan, at least six detainees were stripped and shackled nude, placed in the standing position for sleep deprivation, or subjected to other CIA enhanced interrogation techniques prior to being questioned by an interrogator in 2003.[409] Five of these detainees were shackled naked in the standing position with their hands above their head immediately after their medical check.[410] These interrogation

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03)); Hassan Ghul ([redacted] 1267 ([redacted] JAN 04)); Adnan al-Libi [redacted] 1758 [redacted]; and AL-TURKI [redacted] 2179 [redacted].

404 10361 [redacted]

405 10361 [redacted]

406 10361 [redacted]. *See* Volume II for detailed information on CIA representations to Congress.

407 [redacted] 10361 [redacted]

408 10361 [redacted]

409 This included Asadullah (DIRECTOR [redacted] ([redacted] FEB 03)); Abu Yasir al-Jaza'iri [redacted] 35558 ([redacted] MAR 03)); Suleiman Abdullah [redacted] 35787 ([redacted] MAR 03); [redacted] 36023 ([redacted] APR 03)); Abu Hudhaifa [redacted] 38576 ([redacted] MAY 03)); Hambali [redacted] 1241 (151912Z AUG 03)); and Majid Khan ([redacted] 46471 (241242Z MAY 03); [redacted] 39077 (271719Z MAY 03)).

410 For additional information, *see* Volume III. In an April 12, 2007, Senate Select Committee on Intelligence hearing, Senator Levin asked the CIA Director if the CIA disputed allegations in an International Committee of the Red Cross report that suggested CIA detainees were placed in "[p]rolonged stress standing position, naked, arm[s] chained above the head..." The CIA Director responded, "Not above the head. Stress positions are part of the EITs, and nakedness were part of the EITs, Senator." Senate Select Committee on Intelligence, Hearing Transcript, dated April 12, 2007 (DTS #2007-3158).

plans typically made no reference to the information the interrogators sought and why the detainee was believed to possess the information.[411]

3. *CIA Headquarters Urges Continued Use of the CIA's Enhanced Interrogation Techniques, Despite Interrogators' Assessment That Ramzi Bin Al-Shibh Was Cooperative*

(~~TS//~~ [redacted] ~~//NF~~) When CIA interrogators at DETENTION SITE BLUE assessed that bin al-Shibh was cooperative and did not have additional knowledge of future attacks,[412] CIA Headquarters disagreed and instructed the interrogators to continue using the CIA's enhanced interrogation techniques, which failed to elicit the information sought by CIA Headquarters.[413] On February 11, 2003, interrogators asked CIA Headquarters for questions that ALEC Station was "85 percent certain [bin al-Shibh] will be able to answer," in order to verify bin al-Shibh's level of cooperation.[414] The interrogators stated that information from Abu Zubaydah and al-Nashiri suggested that bin al-Shibh would not have been given a new assignment or trusted with significant information given his high-profile links to the September 11, 2001, attacks.[415] They further stated that bin al-Shibh had "achieved substantial notoriety after 11 September," but was still unproven in al-Qa'ida circles and may have "been privy to information more as a bystander than as an active participant."[416]

(~~TS//~~ [redacted] ~~//NF~~) The CIA's ALEC Station disagreed with the assessment of the detention site personnel, responding that it did not believe the portrayals of bin al-Shibh offered by Abu Zubaydah and al-Nashiri were accurate and that CIA Headquarters assessed that bin al-Shibh must have actionable information due to his proximity to KSM and CIA Headquarters' belief that bin al-Shibh had a history of withholding information from interrogators. ALEC Station wrote:

> "As base [DETENTION SITE BLUE] is well aware, Ramzi had long been deliberately withholding and/or providing misleading information to his interrogators in [a foreign government].... From our optic, it is imperative to focus Ramzi exclusively on two issues: 1) What are the next attacks planned for the US and 2) Who and where are the operatives inside the United States."[417]

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[411] *See* Volume III for additional information.

[412] [redacted] 10452 (121723Z FEB 03)

[413] ALEC [redacted] (131444Z FEB 03)

[414] [redacted] 10446 (111754Z FEB 03). The Committee was informed that the CIA's standard practice during coercive interrogations was to ask questions to which interrogators already knew the answers in order to assess the detainee's level of cooperation. The Committee was further informed that only after detainees were assessed to be cooperative did interrogators ask questions whose answers were unknown to the CIA. *See,* for example, Transcript of SSCI Hearing, April 12, 2007 (testimony of CIA Director Michael Hayden) (DTS #2007-3158).

[415] [redacted] 10452 (121723Z FEB 03). In June 2002, Ramzi bin al-Shibh participated with KSM in an interview with the al-Jazeera television network on the 9/11 attacks. DIRECTOR [redacted] (112136Z SEP 02).

[416] [redacted] 10452 (121723Z FEB 03)

[417] ALEC [redacted] (131444Z FEB 03). Contrary to the statement in the CIA cable, as described, CIA officers in the country where Ramzi bin al-Shibh was held prior to being rendered to CIA custody wrote that Ramzi bin al-Shibh had provided information used in approximately 50 CIA intelligence reports, including information on potential

(~~TS//~~ [redacted] ~~//NF~~) The ALEC Station cable stated that bin al-Shibh had "spent extensive time with [KSM]," and "must have heard discussions of other targets." The cable added that "HQS strongly believes that Binalshibh was involved in efforts on behalf of KSM to identify and place operatives in the West." The February 13, 2003, cable concluded:

> "We think Binalshibh is uniquely positioned to give us much needed critical information to help us thwart large-scale attacks inside the United States, and we want to do our utmost to get it as soon as possible. Good luck."[418]

(~~TS//~~ [redacted] ~~//NF~~) CIA officers at DETENTION SITE BLUE therefore continued to use the CIA's enhanced interrogation techniques against bin al-Shibh for approximately three additional weeks after this exchange, including sleep deprivation, nudity, dietary manipulation, facial holds, attention grasps, abdominal slaps, facial slaps, and walling.[419] Bin al-Shibh did not provide the information sought on "operatives inside the United States" or "large-scale attacks inside the United States."[420]

4. *Information Already Provided by Ramzi Bin Al-Shibh in the Custody of a Foreign Government Inaccurately Attributed to CIA Interrogations; Interrogators Apply the CIA's Enhanced Interrogation Techniques to Bin Al-Shibh When Not Addressed As "Sir" and When Bin Al-Shibh Complains of Stomach Pain*

(~~TS//~~ [redacted] ~~//NF~~) CIA records indicate that the CIA interrogators at DETENTION SITE BLUE questioning Ramzi bin al-Shibh were unaware of the intelligence bin al-Shibh had previously provided in foreign government custody, even though [redacted] and the intelligence from those interrogations had been disseminated by the CIA. On multiple occasions, personnel at the detention site drafted intelligence reports that contained information previously disseminated from interrogations of bin al-Shibh while he was in foreign government custody, under the faulty understanding that bin al-Shibh was providing new information.[421]

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future threats, to include a potential attack on London's Heathrow airport and al-Nashiri's planning for potential operations in the Arabian Peninsula. The [redacted] CIA officers in that country also noted that they found Ramzi bin al-Shibh's information to be generally accurate, and that they "found few cases where he openly/clearly misstated facts." The CIA officers in [redacted] concluded, "overall, [Ramzi bin al-Shibh] provided what was needed." *See* [redacted] 22888 (240845Z FEB 03).

[418] ALEC [redacted] (131444Z FEB 03)

[419] *See*, for example, [redacted] 10525 (200840Z FEB 03) and [redacted] 10573 (241143Z FEB 03). For further detail, *see* the detainee review of Ramzi bin al-Shibh in Volume III.

[420] *See* detainee review of Ramzi bin al-Shibh in Volume III for additional information.

[421] *See*, for example, CIA [redacted] 20817 [redacted] (describing the foreign government's interrogators' "plan to ask Binalshibh to clarify his statements that Mohamed Atta, Marwan el-Shehhi, and Ziad Jarrah could not agree on the wisdom of targeting nuclear facilities"); [redacted] 10568 (231514Z FEB 03); [redacted] 20817 [redacted]; CIA [redacted]; CIA [redacted].

(~~TS//[redacted]//NF~~) Ramzi bin al-Shibh was subjected to interrogation techniques and conditions of confinement that were not approved by CIA Headquarters. CIA interrogators used the CIA's enhanced interrogation techniques for behavior adjustment purposes, in response to perceived disrespect, and on several occasions, before bin al-Shibh had an opportunity to respond to an interrogator's questions or before a question was asked. The CIA's enhanced interrogation techniques were applied when bin al-Shibh failed to address an interrogator as "sir," when interrogators noted bin al-Shibh had a "blank stare" on his face, and when bin al-Shibh complained of stomach pain.[422] Further, despite CIA policy at the time to keep detainees under constant light for security purposes, bin al-Shibh was kept in total darkness to heighten his sense of fear.[423]

(~~TS//[redacted]//NF~~) CIA psychological assessments of bin al-Shibh were slow to recognize the onset of psychological problems brought about, according to later CIA assessments, by bin al-Shibh's long-term social isolation and his anxiety that the CIA would return to using its enhanced interrogation techniques against him. The symptoms included visions, paranoia, insomnia, and attempts at self-harm.[424] In April 2005, a CIA psychologist stated that bin al-Shibh "has remained in social isolation" for as long as two and half years and the isolation was having a "clear and escalating effect on his psychological functioning." The officer continued, "in [bin al-Shibh's] case, it is important to keep in mind that he was previously a relatively high-functioning individual, making his deterioration over the past several months more alarming."[425] The psychologist wrote, "significant alterations to RBS'[s] detention environment must occur soon to prevent further and more serious psychological disturbance."[426] On September 5, 2006, bin al-Shibh was transferred to U.S. military custody at Guantanamo Bay, Cuba.[427] After his arrival, bin al-Shibh was placed on anti-psychotic medications.[428]

(~~TS//[redacted]//NF~~) The CIA disseminated 109 intelligence reports from the CIA interrogations of Ramzi bin al-Shibh.[429] A CIA assessment, which included intelligence from his

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[422] [redacted] 10582 (242026Z FEB 03); [redacted] 10627 (281949Z FEB 03)

[423] [redacted] 10521 (191750Z FEB 03). The cable referred to keeping bin al-Shibh in darkness as a "standard interrogation technique." The same cable states that during the night of February 18, 2003, the light went out in bin al-Shibh's cell and that "[w]hen security personnel arrived to replace the bulb, bin al-Shibh was cowering in the corner, shivering. Security personnel noted that he appeared relieved as soon as the light was replaced."

[424] [redacted] 1759 (021319Z OCT 04); HEADQUARTERS [redacted] (040023Z NOV 05); [redacted] 1890 (171225Z NOV 04); [redacted] 1878 (140915Z NOV 04); [redacted] 1930 (061620Z DEC 04); [redacted] 2207 (111319Z APR 05); [redacted] 2210 (141507Z APR 05); [redacted] 2535 (051805Z JUL 05); [redacted] 2589 (120857Z JUL 05); [redacted] 2830 (291304Z AUG 05); [redacted] 1890 (171225Z NOV 04); [redacted] 1893 (200831Z NOV 04); CIA document entitled, "Detainee Talking Points for ICRC Rebuttal, [redacted]"; [redacted] 2210 (141507Z APR 05); [redacted] 2535 (051805Z JUL 05); [redacted] 2210 (141507Z APR 05); [redacted] 2535 (051805Z JUL 05); [redacted] 2830 (291304Z AUG 05); [redacted] 1930 (061620Z DEC 04); [redacted] 2210 (141507Z APR 05)

[425] [redacted] 2210 (141507Z APR 05)

[426] [redacted] 2210 (141507Z APR 05)

[427] HEADQUARTERS [redacted] (031945Z SEP 06)

[428] [redacted] SITE DAILY REPORT - 24 MAY 07: [redacted] 8904 (182103Z APR 08)

[429] *See* Volume II for additional information.

time in foreign government custody, as well as his reporting in CIA custody before, during, and after being subjected to the CIA's enhanced interrogation techniques,[430] concluded that:

> "Much of [bin al-Shibh's] statements on the 11 September attacks have been speculative, and many of the details could be found in media accounts of the attacks that appeared before he was detained. In the few instances where his reporting was unique and plausible, we cannot verify or refute the information… he has been sketchy on some aspects of the 9/11 plot, perhaps in order to downplay his role in the plot. His information on individuals is non-specific; he has given us nothing on the Saudi hijackers or others who played a role… The overall quality of his reporting has steadily declined since 2003."[431]

G. The Detention and Interrogation of Khalid Shaykh Muhammad

1. *KSM Held in Pakistani Custody, Provides Limited Information; Rendered to CIA Custody at DETENTION SITE COBALT, KSM Is Immediately Subjected to the CIA's Enhanced Interrogation Techniques*

(~~TS//~~ [redacted] ~~//NF~~) The capture of KSM was attributable to a single CIA source who first came to the CIA's attention in the spring of 2001.[432] The source [redacted] led the CIA and Pakistan authorities directly to KSM. KSM was held in Pakistani custody from the time of his capture on March 1, 2003, to March [redacted], 2003, and was interrogated by CIA officers and Pakistani officials. According to CIA records, while in Pakistani custody, KSM was subjected to some sleep deprivation, but there are no indications of other coercive interrogation techniques being used.[433] While KSM denied knowledge of attack plans and the locations of Usama bin Laden and Ayman al-Zawahiri,[434] he did provide limited information on various al-Qa'ida leaders and operatives who had already been captured. KSM's willingness to discuss operatives when confronted with information about their capture—behavior noted by CIA officers on-site in Pakistan—was a recurring theme throughout KSM's subsequent detention and interrogation in CIA custody.[435]

(~~TS//~~ [redacted] ~~//NF~~) Less than two hours after KSM's capture, anticipating KSM's arrival at DETENTION SITE COBALT, the chief of interrogations, [redacted], sent an email to CIA Headquarters with the subject line, "Let's roll with the new guy." The email requested permission to "press [KSM] for threat info right away."[436] Later that day, CIA Headquarters authorized [redacted] to use a number of the CIA's enhanced interrogation techniques against

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[430] Ramzi bin al-Shibh was immediately subjected to the CIA's enhanced interrogation techniques at DETENTION SITE BLUE.

[431] ALEC [redacted] (302240Z JUN 05)

[432] For more details, *see* section of this summary on the capture of KSM and additional information in Volume II.

[433] [redacted] 41403 (020949Z MAR 03)

[434] [redacted] 41484 (031315Z MAR 03)

[435] [redacted] 41564 (041307Z MAR 03); [redacted] 41592 (051050Z MAR 03). For details on KSM's detention in Pakistani custody, *see* the KSM detainee review in Volume III.

[436] Email from: [REDACTED]; to: [redacted]; subject: Let's Roll with the new guy; date: March 1, 2003, at 03:43:12 AM.

KSM. The cable from CIA Headquarters did not require that non-coercive interrogation techniques be used first.[437] On March [redacted], 2003, two days before KSM's arrival at the detention site, CIA Headquarters approved an interrogation plan for KSM.[438]

(~~TS//~~ [redacted] ~~//NF~~) According to CIA records, interrogators began using the CIA's enhanced interrogation techniques at DETENTION SITE COBALT a "few minutes" after the questioning of KSM began. KSM was subjected to facial and abdominal slaps, the facial grab, stress positions, standing sleep deprivation (with his hands at or above head level), nudity, and water dousing.[439] Chief of Interrogations [redacted] also ordered the rectal rehydration of KSM without a determination of medical need, a procedure that the chief of interrogations would later characterize as illustrative of the interrogator's "total control over the detainee."[440] At the end of the day, the psychologist on-site concluded that the interrogation team would likely have more success by "avoiding confrontations that allow [KSM] to transform the interrogation into battles of will with the interrogator."[441] KSM's reporting during his first day in CIA custody included an accurate description of a Pakistani/British operative, which was dismissed as having been provided during the initial "'throwaway' stage" of information collection when the CIA believed detainees provided false or worthless information.[442]

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[437] DIRECTOR [redacted] (012240Z MAR 03)

[438] [redacted] 34354 ([redacted] MAR 03); DIRECTOR [redacted] ([redacted] MAR 03)

[439] [redacted] 34491 (051400Z MAR 03)

[440] [redacted] 34491 (051400Z MAR 03); Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, 27 March 2003.

[441] [redacted] 34575 [redacted]

[442] "Khalid Shaykh Muhammad's Threat Reporting – Precious Truths, Surrounded by a Bodyguard of Lies," IICT, April 3, 2003. KSM also named three individuals who, he said, worked on an al-Qa'ida anthrax program that was still in its "earliest stages." They were led, he said, by "Omar" who had been arrested in the country of [redacted]. The group also included Abu Bakr al-Filistini. (*See* [redacted] 34475 [redacted].) KSM would later state that "Yazid" led al-Qa'ida's anthrax efforts. (*See* [redacted] 10769 (120937Z MAR 03).) Yazid Sufaat, who had been in [redacted] [foreign government] custody since 2001, had long been suspected of participating in al-Qa'ida chemical and biological activities. (*See* email from: [REDACTED]; to: [redacted], [redacted], [redacted] cc: [redacted], [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: FOR COORD by noon please: Yazid Sufaat PDB; date: March 14, 2003, at 09:05 AM; email from: [REDACTED]; to: [REDACTED]; subject: Re: [redacted] RESPONSE – INDIVIDUALS CONNECTED TO USAMA BIN LADIN ASSOCIATE YAZID SUFAAT; date: March 6, 2003, at 12:50:27 PM; [redacted]; email from: [redacted]; to: [REDACTED]; SUBJECT: Re: KSM on WMD; date: March 12, 2003, at 08:28:31 AM.) A draft PDB prepared on March 17, 2003, states that "Sufaat's own claims to [redacted] [foreign government] authorities and personal background tracks with KSM's assertions." (*See* "KSM Guarding Most Sensitive Information," labeled "For the President Only 18 March 2003," stamped 0319 ksmupdate.doc 17 March 2003.) On April 3, 2003, an IICT analysis stated that KSM "likely judges that information related to Sufaat already has been compromised since his arrest." (*See* "Khalid Shaykh Muhammad's Threat Reporting – Precious Truths, Surrounded by a Bodyguard of Lies," IICT, April 3, 2003.) CIA analysis from 2005 stated that "[redacted] [a foreign government holding Sufaat] was likely to have known details of Yazid's involvement in al-Qa'ida's anthrax program by early 2002," although that information was not provided at the time to the CIA. (*See* CIA Directorate of Intelligence; "Al-Qa'ida's Anthrax Program; Cracks Emerge in a Key Reporting Stream; New Insights into Yazid Sufaat's Credibility [redacted]" (DTS #2005-3264).) Al-Filistini was later captured and detained by the CIA. While being subjected to the CIA's enhanced interrogation techniques he changed his description of al Qa'ida's anthrax efforts multiple times. On August 1, 2003, Abu Bakr al-Filistini, also known as Samr al-Barq, told CIA interrogators that "we never made anthrax." At the time, he was being subjected to the CIA's enhanced interrogation techniques and was told that the harsh treatment would not stop until he "told the truth." According to cables, crying, al-Barq then said "I made the anthrax." Asked if he was lying, al-Barq said

(~~TS//~~ [redacted] ~~//NF~~) On March 5, 2003, and March 6, 2003, while he was still at DETENTION SITE COBALT, KSM was subjected to nudity and sleep deprivation. On March 5, 2003, KSM was also subjected to additional rectal rehydration,[443] which [redacted] OMS, [redacted], described as helping to "clear a person's head" and effective in getting KSM to talk.[444] On March 6, 2003, [redacted] adopted a "'softer Mr. Rogers' persona" after the interrogation team concluded that the CIA's enhanced interrogation techniques had caused KSM to "clam up."[445] During this session KSM was described as "more cooperative," and the day's interrogation was deemed the "best session held to date" by the interrogation team.[446] During this period KSM fabricated information on an individual whom he described as the protector of his children.[447] That information resulted in the capture and CIA detention of two innocent individuals.[448]

2. *The CIA Transfers KSM to DETENTION SITE BLUE, Anticipates Use of the Waterboard Prior to His Arrival*

(~~TS//~~ [redacted] ~~//NF~~) Within hours of KSM's capture, ALEC Station successfully argued that CIA contractors SWIGERT and DUNBAR should take over the interrogation of KSM upon KSM's arrival at DETENTION SITE BLUE.[449] On March 3, 2003, CIA Headquarters approved an interrogation plan indicating that KSM "will be subjected to immediate interrogation techniques," and that "the interrogation techniques will increase in intensity from standard to

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that he was. After CIA interrogators "demonstrated the penalty for lying," al-Barq again stated that "I made the anthrax" and then immediately recanted, and then again stated that he made anthrax. (*See* [redacted] 1015 (012057Z AUG 03).) Two days later, al-Barq stated that he had lied about the anthrax production "only because he thought that was what interrogators wanted." *See* [redacted] 1017 (030812Z AUG 03).

[443] [redacted] 34575 [redacted]

[444] Email from: [redacted]; to: [redacted]; cc: [redacted], [redacted]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM; email from: [redacted]; to: [redacted]; cc: [redacted]; subject: Re: Update; date: March 6, 2003, at 4:51:32 PM.

[445] [redacted] 34573 (061751Z MAR 03); [redacted] 34614 (071551Z MAR 03)

[446] [redacted] 34573 (061751Z MAR 03); [redacted] 34614 (071551Z MAR 03)

[447] In June 2004, KSM described his reporting as "all lies." [redacted] 34569 (061722Z MAR 03); [redacted] 1281 (130801Z JUN 04).

[448] The two individuals, Sayed Habib and Shaistah Habibullah Khan, entered CIA custody in April and July 2003 respectively, and were released in August and February 2004, respectively. (*See* [redacted] 5712 [redacted]; email from: [redacted]; to: [redacted], [REDACTED], [REDACTED]; subject: planned release of [DETENTION SITE ORANGE] detainee Syed Habib; [redacted]; and CIA document, "Additional Details for DCIA on Sayed Habib's Arrest and Detention.") The CIA's June 2013 Response states that the detention of the two individuals "can only be considered 'wrongful' after the fact, not in the light of credible information available at the time and in a context in which plot disruption was deemed an urgent national priority." The CIA's June 2013 Response further states that KSM's reporting on March 6, 2003, was "credible" because, at the time, "[CIA] assessed that Khalid Shaykh Muhammad (KSM) had moved to a more cooperative posture as his interrogation progressed." A review of CIA records indicates that the CIA subjected KSM to the CIA's enhanced interrogation techniques the following day. The use of the techniques continued until March 25, 2003, and included 183 applications of the waterboard. *See* [redacted] 10711 [redacted].

[449] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003. Email to: [redacted]; from: [redacted]; cc: [REDACTED], [REDACTED], [redacted], [REDACTED], [redacted], [REDACTED], [redacted], [REDACTED], [redacted], [REDACTED]; subject: KSM planning; date: March 1, 2003, at 07:07:33 AM.

enhanced techniques commensurate with [KSM's] level of resistance, until he indicates initial cooperation."[450] On March [redacted], 2003, the day of KSM's arrival at DETENTION SITE BLUE, the on-site medical officer described the use of the waterboard on KSM as inevitable:

> "[T]he team here apparently looks to use the water board in two different contexts. One is as a tool of regression and control in which it is used up front and aggressively. The second is to vet information on an as needed basis. Given the various pressures from home vs what is happening on the ground, I think the team's expectation is that [KSM] will [be] getting treatment somewhere in between. I don't think they believe that it will be possible to entirely avoid the water board given the high and immediate threat to US and allied interests. It is an interesting dynamic because they are well aware of the toll it will take on the team vs. the detainee. The requirements coming from home are really unbelievable in terms of breadth and detail."[451]

(~~TS//[redacted]//NF~~) Meanwhile, OMS completed draft guidelines on the use of the CIA's enhanced interrogation techniques, specifically addressing the waterboard interrogation technique. These guidelines were sent to the medical personnel at the detention site. The guidelines included a warning that the risk of the waterboard was "directly related to number of exposures and may well accelerate as exposures increase," that concerns about cumulative effects would emerge after three to five days, and that there should be an upper limit on the total number of waterboard exposures, "perhaps 20 in a week." CIA records indicate that, as of the day of KSM's arrival at DETENTION SITE BLUE, the interrogation team had not reviewed the draft OMS guidelines.[452]

(~~TS//[redacted]//NF~~) KSM arrived at DETENTION SITE BLUE at approximately 6:00 PM local time on March [redacted], 2003, and was immediately stripped and placed in the standing sleep deprivation position.[453] At 6:38 PM, after the medical and psychological personnel who had traveled with KSM from DETENTION SITE COBALT cleared KSM for the CIA's enhanced interrogation techniques, the detention site requested CIA Headquarters' approval to begin the interrogation process.[454] The detention site received the approvals at 7:18 PM,[455] at which point the interrogators began using the CIA's enhanced interrogation techniques on KSM.[456]

(~~TS//[redacted]//NF~~) Between March [redacted], 2003, and March 9, 2003, contractors SWIGERT and DUNBAR, and a CIA interrogator, [redacted], used the CIA's enhanced interrogation techniques against KSM, including nudity, standing sleep deprivation, the attention

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[450] [redacted] 10654 (030904Z MAR 03); DIRECTOR [redacted] (041444Z MAR 03). The initial approval was for SWIGERT and CIA interrogator [redacted]. The authorization was extended to DUNBAR on March [redacted], 2003. DIRECTOR [redacted]

[451] Email from: [REDACTED]; to: [redacted]; cc: [redacted]; subject: Technique; date: March [redacted], 2003, at 3:51:09 AM.

[452] Email from: [REDACTED]; to: [redacted]; cc: [redacted]; subject: Re: Technique; date: March [redacted], 2003, at 3:22:45 PM.

[453] [redacted] 10711

[454] [redacted] 10705

[455] DIRECTOR [redacted]

[456] [redacted] 10711

grab and insult slap, the facial grab, the abdominal slap, the kneeling stress position, and walling.[457] There were no debriefers present. According to the CIA interrogator, during KSM's first day at DETENTION SITE BLUE, SWIGERT and DUNBAR first began threatening KSM's children.[458] [redacted] CTC Legal, [redacted], later told the inspector general that these threats were legal so long as the threats were "conditional."[459] On March 9, 2003, KSM fabricated information indicating that Jaffar al-Tayyar and Jose Padilla were plotting together[460] because, as he explained on April 23, 2003, he "felt some pressure to produce information about operations in the United States in the initial phases of his interrogation."[461]

(~~TS//~~ [redacted] ~~//NF~~) On March [redacted], 2003, Deputy Chief of ALEC Station [redacted], and a second ALEC Station officer, [redacted], arrived at DETENTION SITE BLUE to serve as debriefers. The detention site also reportedly received a phone call from CIA Headquarters conveying the views of the CIA's Deputy Director of Operations James Pavitt on the interrogation of KSM.[462] Pavitt later told the inspector general that he "did not recall specifically ordering that a detainee be waterboarded right away," but he "did not discount that possibility." According to records of the interview, "Pavitt did recall saying, 'I want to know what he knows, and I want to know it fast.'"[463] The on-site medical officer later wrote in an email that the CIA interrogators "felt that the [waterboard] was the big stick and that HQ was more or less demanding that it be used early and often."[464]

3. *The CIA Waterboards KSM at Least 183 Times; KSM's Reporting Includes Significant Fabricated Information*

(~~TS//~~ [redacted] ~~//NF~~) On March 10, 2003, KSM was subjected to the first of his 15 separate waterboarding sessions. The first waterboarding session, which lasted 30 minutes (10 more than anticipated in the Office of Legal Counsel's August 1, 2002, opinion), was followed by the use of a horizontal stress position that had not previously been approved by CIA Headquarters.[465] The chief of Base, worried about the legal implications, prohibited the on-site

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[457] [redacted] 10711 [redacted], [redacted] 10725 [redacted]; [redacted] 10732 [redacted]; [redacted] 10731 [redacted], [redacted] 10741 (100917Z MAR 03)

[458] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 30, 2003. Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, October 22, 2003.

[459] CIA Inspector General, Special Review, Counterterrorism Detention and Interrogation Program (2003-7123-IG), January 2004.

[460] [redacted] 10740 (092308Z MAR 03), disseminated as [redacted]; [redacted] 10741 (100917Z MAR 03)

[461] [redacted] 11377 (231943Z APR 03), disseminated as [redacted]

[462] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, 30 April 2003.

[463] Interview of James Pavitt, by [redacted] and [REDACTED], Office of the Inspector General, August 21, 2003.

[464] Email from: [redacted]; to: [redacted]; cc: [redacted]; subject: More; date: April 10, 2003, at 5:59:27 PM.

[465] [redacted] 10752 (102320Z MAR 03)

medical officer from reporting on the interrogation directly to OMS outside of official CIA cable traffic.[466]

(~~TS//[redacted]//NF~~) On March 12, 2003, KSM provided information on the Heathrow Airport and Canary Wharf plotting. KSM stated that he showed a sketch in his notebook of a building in Canary Wharf (a major business district in London) to Ammar al-Baluchi.[467] He also provided statements about directing prospective pilots to study at flight schools,[468] and stated that Jaffar al-Tayyar was involved in the Heathrow Plot.[469] KSM retracted all of this information later in his detention.[470] There are no CIA records indicating that these and other retractions were assessed to be false.

(~~TS//[redacted]//NF~~) The March 12, 2003, reporting from KSM on the Heathrow Airport plotting was deemed at the time by CIA interrogators to be an effort by KSM to avoid discussion of plotting inside the United States and thus contributed to the decision to subject KSM to two waterboarding sessions that day.[471] During these sessions, KSM ingested a significant amount of water. CIA records state that KSM's "abdomen was somewhat distended and he expressed water when the abdomen was pressed."[472] KSM's gastric contents were so diluted by water that the medical officer present was "not concerned about regurgitated gastric acid damaging KSM's esophagus."[473] The officer was, however, concerned about water intoxication and dilution of electrolytes and requested that the interrogators use saline in future waterboarding sessions.[474] The medical officer later wrote to [redacted] OMS that KSM was "ingesting and aspiration [sic] a LOT of water," and that "[i]n the new technique we are basically doing a series of near drownings."[475] During the day, KSM was also subjected to the attention grasp, insult slap, abdominal slap, and walling.[476]

(~~TS//[redacted]//NF~~) On March 13, 2003, after KSM again denied that al-Qa'ida had operations planned for inside the United States, CIA interrogators decided on a "day of intensive

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[466] Email from: [REDACTED]; to: [redacted]; cc: [redacted]; subject: Re: MEDICAL SITREP 3/10; date: March 11, 2003, at 8:10:39 AM.

[467] [redacted] 10798 (131816Z MAR 03), disseminated as [redacted]

[468] [redacted] 10778 (121549Z MAR 03), disseminated as [redacted]

[469] [redacted] 10778 (121549Z MAR 03), disseminated as [redacted]

[470] [redacted] 12141 (272231Z JUN 03); [redacted] 22939 (031541Z JUL 04); [redacted] 10883 (182127Z MAR 03), disseminated as [redacted]

[471] [redacted] 10787 (130716Z MAR 03). The CIA would later represent that the information KSM provided on the Heathrow plotting was an example of the effectiveness of the waterboard interrogation technique, listing the Heathrow Plot as one of the "plots discovered as a result of EITs" in a briefing on the waterboard for the President in November 2007. *See* document entitled, "DCIA Talking Points: Waterboard 06 November 2007," dated November 6, 2007, with the notation the document was "sent to DCIA Nov. 6 in preparation for POTUS meeting."

[472] [redacted] 10800 (131909Z MAR 03)

[473] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003.

[474] [redacted] 10800 (131909Z MAR 03); Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003.

[475] Email from: [redacted] to: [redacted]; cc: [redacted]; subject: More; date: April 10, 2003, at 5:59:27 PM. Emphasis in the original.

[476] [redacted] 10787 (130716Z MAR 03)

waterboard sessions."[477] During the first of three waterboarding sessions that day, interrogators responded to KSM's efforts to breathe during the sessions by holding KSM's lips and directing the water at his mouth.[478] According to a cable from the detention site, KSM "would begin signaling by pointing upward with his two index fingers as the water pouring approached the established time limit." The cable noted that "[t]his behavior indicates that the subject remains alert and has become familiar with key aspects of the process."[479] CIA records state that KSM "yelled and twisted" when he was secured to the waterboard for the second session of the day, but "appeared resigned to tolerating the board and stated he had nothing new to say" about terrorist plots inside the United States.[480]

(~~TS//[redacted]//NF~~) Prior to the third waterboard session of that calendar day, the on-site medical officer raised concerns that the waterboard session—which would be the fourth in 14 hours—would exceed the limits included in draft OMS guidelines that had been distributed the previous afternoon.[481] Those draft guidelines stated that up to three waterboard sessions in a 24-hour period was acceptable.[482] At the time, KSM had been subjected to more than 65 applications of water during the four waterboarding sessions between the afternoon of March 12, 2003, and the morning of March 13, 2003. In response to a request for approval from the chief of Base, CTC attorney [redacted] assured detention site personnel that the medical officer "is incorrect that these guidelines have been approved and/or fully coordinated."[483] [redacted] sent an email to the detention site authorizing the additional waterboarding session.[484] Despite indications from [redacted] that the detention site personnel would receive a formal authorizing cable, no such authorization from CIA Headquarters was provided. At the end of the day, the medical officer wrote [redacted] OMS that "[t]hings are slowly evolving form [sic] OMS being viewed as the institutional conscience and the limiting factor to the ones who are dedicated to maximizing the benefit in a safe manner and keeping everyone's butt out of trouble." The medical officer noted that his communication with [redacted] OMS was no longer "viewed with suspicion."[485] On the afternoon of March 13, 2003, KSM was subjected to his third waterboard session of that calendar day and fifth in 25 hours. CIA records note that KSM vomited during and after the procedure.[486]

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[477] [redacted] 10804 (140710Z MAR 03); [redacted] 10790 (130946Z MAR 03)

[478] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 30, 2003. The interviewee was a CIA interrogator for KSM at the CIA detention site.

[479] [redacted] 10790 (130946Z MAR 03)

[480] [redacted] 10791 (131229Z MAR 03)

[481] Email from: [REDACTED]; to: [redacted]; cc: [redacted], [redacted], Jose Rodriguez; subject: re: Eyes Only – Legal and Political Quand[]ry; date: March 13, 2003, at 11:28:06 AM.

[482] Email from: [redacted]; to: [REDACTED]; cc: [redacted]; subject: Re: MEDICAL SITREP 3/10; date: March 12, 2003, at 2:09:47 PM.

[483] Email from: [redacted]; to: [REDACTED]; cc: [redacted], [redacted], Jose Rodriguez; subject: Re: EYES ONLY Legal and Political Quandary; date: March 13, 2003, at 8:01:12 AM.

[484] Email from: [redacted]; to: [REDACTED]; cc: Jose Rodriguez, [redacted], [redacted], [redacted], [redacted]; subject: EYES ONLY Use of Water Board; date: March 13, 2003, at 08:28 AM.

[485] Email from: [REDACTED]; to: [redacted]; cc: [redacted]; subject: Re: State cable; date: March 13, 2003, at 1:43:17 PM. The previous day, the medical officer had written that "I am going the extra mile to try to handle this in a non confrontational manner." Email from: [REDACTED]; to: [redacted]; cc: [redacted]; subject: Re: MEDICAL SITREP 3/10; date: March 12, 2003, at 5:17:07 AM.

[486] [redacted] 10803 (131929Z MAR 03)

(~~TS//[redacted]//NF~~) Shortly thereafter, CIA Headquarters began reevaluating the use of the waterboard interrogation technique. According to a March 14, 2003, email from an interrogator who was not at DETENTION SITE BLUE, but was reviewing cable traffic, the "[o]verall view seems to be" that the waterboard "is not working in gaining KSM['s] compliance."[487] The deputy chief of the CIA interrogation program responded in agreement, adding that "[a]gainst KSM it has proven ineffective," and that "[t]he potential for physical harm is far greater with the waterboard than with the other techniques, bringing into question the issue of risk vs. gain…." The deputy chief further suggested that the waterboard was counterproductive, stating that "[w]e seem to have lost ground" with KSM since progress made at DETENTION SITE COBALT, and as a result, the CIA should "consider the possibility" that the introduction of the waterboard interrogation technique "may poison the well."[488] The email in which these sentiments were expressed was sent to [redacted], the CTC attorney overseeing the interrogation of KSM. Despite these reservations and assessments, the waterboarding of KSM continued for another 10 days.[489]

(~~TS//[redacted]//NF~~) On March 15, 2003, KSM was waterboarded for failing to confirm references in signals intercepts on al-Qa'ida's efforts to obtain "nuclear suitcases."[490] Subsequent signals intercepts and information from a foreign government would later indicate that the nuclear suitcase threat was an orchestrated scam.[491] KSM was waterboarded a second time that day after failing to provide information on operations against the United States or on al-Qa'ida nuclear capabilities.[492] During the waterboarding sessions that day, the application of the interrogation technique further evolved, with the interrogators now using their hands to maintain a one-inch deep "pool" of water over KSM's nose and mouth in an effort to make it impossible for KSM to ingest all the water being poured.[493] At one point, SWIGERT and DUNBAR waited for KSM to talk before pouring water over his mouth.[494]

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[487] Email from: [redacted]; to: [redacted]; cc: [redacted]: [redacted], [REDACTED], [REDACTED]; subject: re Summary of KSM Waterboard Sessions – As of 1000 HRS 14 Mar 03; date: March 14, 2003, at 10:44:12 AM.

[488] Email from: [redacted]; to: [redacted]; cc: [redacted], [redacted], [REDACTED], [REDACTED], [redacted]; subject: re Summary of KSM Waterboard Sessions – As of 1000 HRS 14 MAR 03; date: March 14, 2003, at 02:02:42 PM.

[489] *See* detailed review of these sessions in Volume III.

[490] [redacted] 10831 (151510Z MAR 03); [redacted] 10841 (152007Z MAR 03); [redacted] 10849 (161058Z MAR 03); Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003.

[491] The original reporting, that al-Qa'ida had purchased nuclear suitcases in Yemen, was later determined to be based on an effort by unknown Yemenis to sell "suitcase weapons" to al-Qa'ida. Al-Qa'ida operatives concluded that the offer was a scam. *See* [redacted] 74492 (250843Z JUL 03), disseminated as [redacted]; and HEADQUARTERS [redacted] (092349Z DEC 04).

[492] [redacted] 10841 (152007Z MAR 03); [redacted] 10831 (151510Z MAR 03)

[493] Email from: [REDACTED]; to: [redacted]; cc: [redacted]; subject: Re: Sitrep as of AM 3/15; date: March 15, 2003, at 3:52:54 A.M. Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003. *See also* interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003. The descriptions of the use of the waterboard interrogation technique against KSM were provided by these two on-site medical officers.

[494] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003.

(~~TS//~~ [redacted] ~~//NF~~) On the afternoon of March 17, 2003, and into the morning of March 18, 2003, [redacted], [redacted] OMS, exchanged emails with the medical officer at DETENTION SITE BLUE on the waterboarding of KSM. According to [redacted], the waterboard interrogation technique had "moved even further from the SERE model."[495] [redacted] also wrote:

> "Truthfully, though, I don't recall that the WB [waterboard] produced anything actionable in AZ [Abu Zubaydah] any earlier than another technique might have. This may be different with KSM, but that is still as much a statement of faith as anything else – since we don't seem to study the question as we go… it's been many more days of constant WB repetitions, with the evidence of progress through most of them not being actionable intel but rather that 'he looks like he's weakening.' The WB may actually be the best; just don't like to base it on religion."[496]

(~~TS//~~ [redacted] ~~//NF~~) On March 18, 2003, KSM was confronted with the reporting of Majid Khan, who was then in the custody of a foreign government,[497] regarding plotting against gas stations inside the United States, information that KSM had not previously discussed. In assessing the session, DETENTION SITE BLUE personnel noted that "KSM will selectively lie, provide partial truths, and misdirect when he believes he will not be found out and held accountable." On the other hand, they wrote that "KSM appears more inclined to make accurate

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[495] Email to: [REDACTED]; from: [redacted]; subject: Re: Medical limitations of WB - draft thoughts; date: March 17, 2003, at 01:11:35 PM.

[496] Email from: [redacted]; to: [REDACTED]; cc: [redacted]; subject: Oct 18; date: March 18, 2003, at 10:52:03 AM.

[497] Majid Khan, who was arrested on March 5, 2003, provided extensive information prior to being rendered to CIA custody. This included information on Iyman Faris, Uzhair (Paracha) and his father, Aafia Sidiqqi, his transfer of al-Qa'ida funds to a Bangkok-based Zubair, and his discussions with KSM regarding various proposed plots. Majid Khan also provided assistance to the CIA in its efforts to locate Ammar al-Baluchi, including through Abu Talha al-Pakistani. (*See* [redacted] 13697 (080730Z MAR 03); [redacted] 13713 [redacted]; [redacted] 13765 [redacted]; [redacted] 44244 (161423Z APR 03), [redacted] 44684 (250633Z APR 03); [redacted] 13678 (070724Z MAR 03); [redacted] 13785 [redacted]; [redacted] 13908 (260251Z MAR 03); [redacted] 13826 (190715Z MAR 03); [redacted] 13833 (200454Z MAR 03); [redacted] 13890 [redacted]; [redacted] 13686 (071322Z MAR 03); [redacted] 13932 (271244Z MAR 03); [redacted] 13710 (081218Z MAR 03).) After being rendered to CIA custody, Majid Khan was subjected by the CIA to sleep deprivation, nudity, and dietary manipulation, and may have been subjected to an ice water bath. (*See* [redacted] 39077 (271719Z MAY 03); [redacted] 39099 (281101Z MAY 03); [redacted], Briefing for the Senate Select Committee on Intelligence, March 14, 2008; [redacted] 41772 (121230Z JUL 03); [redacted] 42025 [redacted]; email from: [redacted]; to: [redacted], [REDACTED], [redacted], and [redacted]; subject, "Re: i hope the approvals for enhanced comes through quickly for this guy… this does not look good"; date: June 30, 2003.) A June 2006 CIA email stated that Majid Khan said he "fabricated a lot of his early [CIA] interrogation reporting to stop… what he called 'torture.'" According to the email, Khan stated that he was "hung up" for approximately one day in a sleep deprived position and that he provided "everything they wanted to hear to get out of the situation." (*See* email from: [REDACTED]; to: [redacted], [redacted] COB, [redacted], [REDACTED], [REDACTED], [REDACTED], [redacted], subject: [redacted]: request for prozac; date: June 16, 2006.) As detailed in this summary and in more detail in Volume II, the CIA inaccurately attributed information provided by Majid Khan in foreign government custody to the CIA interrogations of KSM.

disclosures when he believes people, emails, or other source material are available to the USG for checking his responses."[498]

(~~TS//~~ [redacted] ~~//NF~~) The same day, KSM provided additional information on the Heathrow Airport plotting, much of which he would recant in 2004.[499] KSM also discussed Jaffar al-Tayyar again, prompting the detention site personnel to refer to the "all-purpose" al-Tayyar whom KSM had "woven… into practically every story, each time with a different role."[500] After KSM had included al-Tayyar in his discussion of Majid Khan's gas station plot, KSM debriefer [redacted] wrote in an email that "[t]oday [al-Tayyar's] working with Majid Khan, yesterday the London crowd, the day before Padilla -- you get the point."[501] Beginning the evening of March 18, 2003, KSM began a period of sleep deprivation, most of it in the standing position, which would last for seven and a half days, or approximately 180 hours.[502]

(~~TS//~~ [redacted] ~~//NF~~) On March 19, 2003, the interrogators at the detention site decided to waterboard KSM due to KSM's inconsistent information about Jaffar al-Tayyar's passport.[503] According to CIA cables, after assuming his position on the waterboard, KSM "seemed to lose control" and appeared "somewhat frantic," stating that he "had been forced to lie, and ma[k]e up stories about" Jaffar al-Tayyar because of his interrogators.[504] KSM then stated that his reporting on al-Tayyar's role in Majid Khan's plotting was a "complete fabrication" and that al-Tayyar had been compromised as an operative and that as a result, al-Tayyar could not be used for a terrorist operation.[505] In response, the interrogators told KSM that they only wanted to hear him speak if he was revealing information on the next attack.[506] Deputy Chief of ALEC Station [redacted] later told the inspector general that it was around this time that contract interrogator DUNBAR stated that "he had not seen a 'resistor' [sic] like KSM, and was 'going to go to school on this guy.'"[507] According to CIA records, the interrogators then "devote[d] all measures to pressuring [KSM] on the single issue of the 'next attack on America,'" including attention grabs, insult slaps, walling, water dousing, and additional waterboard sessions.[508]

(~~TS//~~ [redacted] ~~//NF~~) On March 20, 2003, KSM continued to be subjected to the CIA's enhanced interrogation techniques throughout the day, including a period of "intense questioning

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[498] [redacted] 10884 (182140Z MAR 03)
[499] [redacted] 10883 (182127Z MAR 03), disseminated as [redacted]: [redacted] 22939 (031541Z JUL 04). CIA records indicate that CIA officers believed that KSM's recantations were credible. *See* KSM detainee review in Volume III.
[500] [redacted] 10884 (182140Z MAR 03)
[501] Email from: [REDACTED], OFFICE: [redacted]; to: [REDACTED]; subject: JAFAR REQUEST; date: March 18, 2003, at 08:16:07 PM.
[502] [redacted] 10884 (182140Z MAR 03); [redacted] 10888 (190805Z MAR 03); [redacted] 10999 (260835Z MAR 03); [redacted] 10969 (240950Z MAR 03)
[503] [redacted] 10892 (191503Z MAR 03); [redacted] 10902 (201037Z MAR 03)
[504] [redacted] 10902 (201037Z MAR 03)
[505] [redacted] 10894 (191513Z MAR 03); [redacted] 10902 (201037Z MAR 03)
[506] [redacted] 10902 (201037Z MAR 03)
[507] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003.
[508] [redacted] 10902 (201037Z MAR 03); [redacted] 10900 (191907Z MAR 03); [redacted] 10896 (191524Z MAR 03)

and walling."[509] KSM was described as "[t]ired and sore," with abrasions on his ankles, shins, and wrists, as well as on the back of his head.[510] He also suffered from pedal edema resulting from extended standing.[511] After having concluded that there was "no further movement" in the interrogation, the detention site personnel hung a picture of KSM's sons in his cell as a way to "[heighten] his imagination concerning where they are, who has them, [and] what is in store for them."[512]

(~~TS//[redacted]//NF~~) The waterboarding of KSM on March 21, 2003, and March 22, 2003, was based on a misreading of intelligence provided by Majid Khan by Deputy Chief of ALEC Station [redacted]. According to a cable from the CIA's [redacted], Khan, who was in foreign government custody, had stated that KSM wanted to use "two to three unknown Black American Muslim converts who were currently training in Afghanistan," to "conduct attacks" on gas stations in the United States, and that "KSM was interested in using anyone with US status to assist with this operation."[513] Upon receipt of this reporting, [redacted] wrote in an email "i love the Black American Muslim at AQ camps in Afghanuistan [sic] … Mukie [KSM] is going to be hatin' life on this one."[514] However, her subsequent questioning of KSM was not based on Khan's actual reporting, which was about potential operatives already in Afghanistan, but rather something Khan had not said—that KSM directed him to make contact with African-American converts in the United States.[515] According to CIA records, in a "contentious" session that lasted for hours and involved the use of the CIA's enhanced interrogation techniques, KSM "flatly denied" any efforts to recruit African-American Muslim converts. KSM was then waterboarded.[516] Later in the day, facing the threat of a second waterboarding session, KSM "relented and said that maybe he had told Khan that he should see if he could make contact with members of the Black American Muslim convert community." The CIA interrogators then returned KSM to the standing sleep deprivation position without a second waterboarding session.[517]

(~~TS//[redacted]//NF~~) The next day, March 22, 2003, interrogators subjected KSM to "intense" questioning and walling, but when KSM provided no new information on African-American Muslim converts or threats inside the United States, he was subjected to additional

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509 [redacted] 10916 (210845Z MAR 03); [redacted] 10921 (211046Z MAR 03)
510 [redacted] 10916 (210845Z MAR 03)
511 [redacted] 10909 (201918Z MAR 03)
512 Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, October 22, 2003. [redacted] 10917 (210907Z MAR 03).
513 [redacted] 13839 (201434Z MAR 03)
514 Email to: [redacted]; from: [REDACTED] OFFICE: [redacted]/[DETENTION SITE BLUE]; subject: Re: Majid Khan; date: March 20, 2003, at 03:40:17 PM. The [redacted] cable was formally sent to DETENTION SITE BLUE via ALEC [redacted] (210015Z MAR 03).
515 [redacted] 10932 (212132Z MAR 03)
516 [redacted] 10932 (212132Z MAR 03); [redacted] 10922 (211256Z MAR 03)
517 [redacted] 10932 (212132Z MAR 03)

waterboarding.[518] An hour later, KSM stated that he was "ready to talk."[519] He told the CIA interrogators that he had sent Abu Issa al-Britani to Montana to recruit African-American Muslim converts, a mission he said had been prompted by discussions with a London-based shaykh whose bodyguards had families in Montana.[520] KSM also stated that he tasked Majid Khan with attending Muslim conferences in the United States to "spot and assess potential extremists" who would assist in the gas station plot.[521] In June 2003, KSM admitted that he fabricated the story about Abu Issa al-Britani and Montana, explaining that he was "under 'enhanced measures' when he made these claims and simply told his interrogators what he thought they wanted to hear."[522] In August 2003, KSM reiterated that he had no plans to recruit or use "black American Muslim" converts operationally.[523] In December 2005, he denied ever asking Majid Khan to recruit converts or attend Islamic conferences.[524]

(~~TS//[redacted]//NF~~) On March 24, 2003, KSM underwent his fifteenth and final documented waterboarding session due to his "intransigence" in failing to identify suspected Abu Bakr al-Azdi operations in the United States, and for having "lied about poison and biological warfare programs."[525] KSM was described in the session as being "composed, stoic, and resigned."[526]

(~~TS//[redacted]//NF~~) That evening, the detention site received two reports. The first recounted the reporting of Majid Khan, who was still in the custody of a foreign government, on Uzhair, who ran the New York branch of his father's Karachi-based import-export business, and on Uzhair's father.[527] According to Khan, his meetings with the two were facilitated by Ammar al-Baluchi.[528] The second report described the reporting of Iyman Faris, who was in FBI custody, on a plot to cut the suspension cables on the Brooklyn Bridge and exploration of plans to derail trains and conduct an attack in Washington, D.C.[529] KSM, whom detention site personnel described as "boxed in" by the new reporting,[530] then stated that Uzhair's father, Sayf al-Rahman Paracha, had agreed to smuggle explosives into the United States.[531] As described

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518 [redacted] 10941 (221506Z MAR 03); [redacted] 10950 (222127Z MAR 03). One cable from DETENTION SITE BLUE hypothesized that KSM was lying in order to force the CIA interrogators to apply the CIA's enhanced interrogation techniques: "[T]he enhanced measures resulting from his lying in [sic] details could be a resistance strategy to keep the interrogation from threatening issues… [KSM's] apparent willingness to provoke and incur the use of enhanced measures may represent a calculated strategy to either: (A) redirect the course of the interrogation; or (B) to attempt to cultivate some doubt that he had knowledge of any current or future operations against the US." *See* [redacted] 10950 (222127Z MAR 03).

519 [redacted] 10950 (222127Z MAR 03)

520 [redacted] 10942 (221610Z MAR 03), disseminated as [redacted]; [redacted] 10948 (222101Z MAR 03), disseminated as [redacted]

521 [redacted] 10942 (221610Z MAR 03), disseminated as [redacted]

522 [redacted] 12095 (222049Z JUN 03)

523 [redacted] 12558 (041938Z AUG 03)

524 [redacted] 31148 (171919Z DEC 05); [redacted] 31147 (171919Z DEC 05), disseminated as [redacted]

525 [redacted] 10983 (242321Z MAR 03); [redacted] 10972 (241122Z MAR 03)

526 [redacted] 10974 (241834Z MAR 03); [redacted] 10983 (242321Z MAR 03)

527 *See* the sections of this summary and Volume II on the Identification and Arrests of Uzhair and Saifullah Paracha.

528 [redacted] 13890 [redacted]; [redacted] 10984 (242351Z MAR 03)

529 WHDC [redacted] (242226Z MAR 03); [redacted] 10983 (242321Z MAR 03)

530 [redacted] 10983 (242321Z MAR 03)

531 [redacted] 10984 (242351Z MAR 03), disseminated as [redacted]

elsewhere in this summary, the purported parties to the agreement denied that such an agreement existed.[532] In confirming Faris's reporting, KSM exhibited what the Interagency Intelligence Committee on Terrorism would later describe as an effort to "stay obvious/general" and "provide little information that might enable the US to thwart attacks."[533]

(~~TS//~~ [redacted] ~~//NF~~) With the exception of sleep deprivation, which continued for one more day, the use of the CIA's enhanced interrogation techniques against KSM stopped abruptly on March 24, 2003.[534] There are no CIA records directing the interrogation team to cease using the CIA's enhanced interrogation techniques against KSM, nor any contemporaneous documentation explaining the decision.[535]

4. *After the Use of the CIA's Enhanced Interrogation Techniques Against KSM Ends, the CIA Continues to Assess That KSM Is Withholding and Fabricating Information*

(~~TS//~~ [redacted] ~~//NF~~) On April 3, 2003, the Interagency Intelligence Committee on Terrorism produced an assessment of KSM's intelligence entitled, "Precious Truths, Surrounded by a Bodyguard of Lies." The assessment concluded that KSM was withholding or lying about terrorist plots and operatives targeting the United States. It also identified contradictions between KSM's reporting on CBRN and other sources.[536]

(~~TS//~~ [redacted] ~~//NF~~) On April 24, 2003, FBI Director Robert Mueller began seeking direct FBI access to KSM in order to better understand CIA reporting indicating threats to U.S. cities.[537] Despite personal commitments from DCI Tenet to Director Mueller that access would be forthcoming, the CIA's CTC successfully formulated a CIA position whereby the FBI would

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[532] According to one cable, KSM did not volunteer the purported smuggling plot, but rather was asked about it by interrogators. (*See* ALEC [redacted] (052230Z MAY 03). All parties to the purported plot – Paracha and Ammar al-Baluchi – denied any agreement had been reached. DIRECTOR [redacted] (181929Z JUN 03), disseminated as [redacted] 39239 (301600Z MAY 03); [redacted] 13588 (171505Z JUL 03); DIRECTOR [redacted] (181929Z JUN 03), disseminated as [redacted] 39239 (301600Z MAY 03); ALEC [redacted] (012248Z APR 03).) With regard to the explosives smuggling reporting, the former chief of the Bin Ladin Unit wrote in a March 2003 email: "again, another ksm op worthy of the lamentable knuckleheads… why 'smuggle' in explosives when you can get them here? neither fertilizer for bombs or regular explosives are that hard to come by. ramzi yousef came to conus with a suitcase and hundred bucks and got everything he needed right here. this may be true, but it just seems damn odd to me." *See* email from: [redacted]; to: [redacted]; subject: see highlight: again, another ksm op worthy of the lamentable; date: March 25, 2003, at 6:29:08 AM.

[533] [redacted] 10985 (242351Z MAR 03). "Khalid Shaykh Muhammad's Threat Reporting Precious Truths, Surrounded by a Bodyguard of Lies," IICT, April 3, 2003.

[534] Sleep deprivation was extended for an additional day, although it was interrupted by "catnapping." *See* [redacted] 10999 (260835Z MAR 03).

[535] For additional details, *see* KSM detainee review in Volume III.

[536] "Khalid Shaykh Muhammad's Threat Reporting – Precious Truths, Surrounded by a Bodyguard of Lies," IICT, April 3, 2003.

[537] Email from: [redacted]; to: [redacted]; cc: James L. Pavitt; [redacted]; John H. Moseman; Jose Rodriguez; [redacted]; and [redacted]; subject: Mueller's Interest in FBI Access to KSM; date: April 24, 2003, at 10:59:53 AM.

not be provided access to KSM until his anticipated transfer to Guantanamo Bay, Cuba. Neither the CIA nor the FBI knew at the time that the transfer would not occur until September 2006.[538]

(~~TS//[redacted]//NF~~) Between April 2003 and July 2003, KSM frustrated the CIA on a number of fronts. On May 7, 2003, after more than two months of conflicting reporting, ALEC Station concluded that KSM "consistently wavers" on issues of UBL's location, protectors, and hosts, and that his information "conveniently lack[s] sufficient detail [to be] actionable intelligence."[539] On June 12, 2003, CIA Headquarters indicated that it "remain[ed] highly suspicious that KSM is withholding, exaggerating, misdirecting, or outright fabricating information on CBRN issues."[540] At the end of April 2003, KSM was shown pictures of the recently captured Ammar al-Baluchi and Khallad bin Attash, after which he provided additional information related to their plotting in Karachi.[541] ALEC Station wrote in a May 20, 2003, cable that "[w]e consider KSM's long-standing omission of [this] information to be a serious concern, especially as this omission may well have cost American lives had Pakistani authorities not been diligent in following up on unrelated criminal leads that led to the capture of Ammar, bin Attash, and other probable operatives involved in the attack plans."[542]

(~~TS//[redacted]//NF~~) In May and June 2003, Ammar al-Baluchi and Khallad bin Attash provided reporting that contradicted KSM's statements about the Heathrow Airport plotting and included information that KSM had not provided.[543] After KSM was confronted with this reporting, Deputy Chief of ALEC Station [redacted] wrote in an email, "OK, that's it… yet again he lies and ONLY ADMITS details when he knows we know them from someone

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[538] Memorandum for: James L. Pavitt; [redacted]; Jose Rodriguez; [redacted]; [redacted]; from: [redacted]; subject: Update: Director Mueller - DCI Tenet Conversation on KSM; date: June 4, 2003, at 05:47:32 PM. Note for: James L. Pavitt; from: [redacted]; cc: [redacted], Jose Rodriguez, [redacted]; subject: Director Mueller Plans to Call DCI on KSM Issue; date: May 21, 2003, at 08:40:22 PM. In addition to the FBI, senior CIA officers, including CTC's representatives to the FBI, complained about the limitations on the dissemination of intelligence derived from CIA interrogations and the impact those limitations had on counterterrorism analysis. The CTC's representative to the FBI described this to the OIG as a "serious concern." He stated that the compartmentation of interrogation information [redacted] resulted in delays in dissemination that could result in information being "missed." He also stated that the CIA's compartmentation of information prevented him from providing to the FBI "some insight into the value/credibility of intelligence reports." (*See* interview of [redacted], by [redacted], Office of the Inspector General, August 18, 2003.) Among the other CIA officers expressing these concerns were the deputy chief of CTC's Al-Qa'ida Department, who told the OIG that limited access to operational traffic "has had an impact on [analysts'] full knowledge of activities, and thus their analysis." (*See* [redacted], Memorandum for the Record; subject: Meeting with Deputy Chief, Counterterrorism Center Al-Qa'ida Department; July 28, 2003.) The Director of Analysis at CTC described analysts' limited access to information as a "continuing problem." (*See* August 18, 2003, Memorandum for the Record, meeting with Counterterrorism Center, Director of Analysis, Office of the Inspector General.) The CIA's Deputy Director of Intelligence told the OIG that limitations on the dissemination of operational information prevented the "full cadre of analysts" from reviewing the intelligence and that, as a result, "we're losing analytic ability to look at [foreign intelligence] in a timely manner." *See* interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, September 12, 2003.

[539] ALEC [redacted] (072002Z MAY 03)

[540] DIRECTOR [redacted] (121550Z JUN 03)

[541] [redacted] 11454 (301710Z APR 03); [redacted] 11448 (301141Z APR 03)

[542] ALEC [redacted] (022012Z MAY 03). *See* information in this summary and Volume II on the "Karachi Plot" for additional information.

[543] *See* detainee reviews for Ammar al Baluchi and Khallad bin Attash in Volume III for additional information on the reporting the detainees provided.

else."[544] On April 19, 2003, KSM was questioned for the first time about summer 2002 reporting from Masran bin Arshad, who was in the custody of a foreign government, regarding the "Second Wave" plot. Informed that bin Arshad had been detained, KSM stated, "I have forgotten about him, he is not in my mind at all."[545] In response, ALEC Station noted that it "remain[e]d concerned that KSM's progression towards full debriefing status is not yet apparent where it counts most, in relation to threats to US interests, especially inside CONUS."[546] In June 2003, almost three months after the CIA had stopped using its enhanced interrogation techniques against KSM, senior ALEC Station and RDG officers met at least twice to discuss concerns about KSM's lack of cooperation.[547] As an ALEC Station cable noted at the time, "KSM's pattern of behavior over the past three months, trying to control his environment, lying and then admitting things only when pressed that others have been caught and have likely admitted the plot, is a cause for concern."[548] In an email, one CIA officer noted that "what KSM's doing is fairly typical of other detainees… KSM, Khallad [bin Attash], and others are doing what makes sense in their situation – pretend cooperation."[549]

(~~TS//~~ [redacted] ~~//NF~~) In the fall of 2003, after KSM's explanations about how to decrypt phone numbers related to British operative Issa al-Britani (KSM did not identify the operative as "Issa al-Hindi," or by his true name, Dhiren Barot) yielded no results, and after KSM misidentified another individual, known not to be Issa, as Issa, Deputy Chief of ALEC Station [redacted] stated in an email that KSM was "obstructing our ability to acquire good information," noting that KSM "misidentifie[s] photos when he knows we are fishing" and "misleads us on telephone numbers."[550] Later, after KSM's transfer to DETENTION SITE BLACK, ALEC Station wrote that KSM "may never be fully forthcoming and honest" on the topic of UBL's whereabouts.[551] Despite repeated challenges, KSM maintained that he lacked information on UBL's location.[552]

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[544] Memorandum for: [redacted]; [redacted]; [redacted]; from: [redacted]; subject: Action detainee branch; date: June 12, 2003 (emphasis in the original).

[545] [redacted] 11319 (191445Z APR 03), disseminated as [redacted]

[546] ALEC [redacted] (222153Z APR 03)

[547] Email from: [redacted]; to [redacted]; cc: [redacted], [redacted], [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [redacted], [redacted], [redacted], [redacted], [REDACTED], [redacted], [redacted], [redacted], [redacted], [REDACTED]; subject: Khallad & KSM Detainee Case Discussion; date: June 18, 2003, at 10:09 AM; ALEC [redacted] (302258Z JUN 03).

[548] ALEC [redacted] (302258Z JUN 03)

[549] Email from: [redacted]; to: [redacted]; cc: [REDACTED], [REDACTED], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [REDACTED], [redacted], [REDACTED]; subject: Re: KSM's passive restraint – please let me know if you have comments for a memo to the DCI; date: June 24, 2003, at 1:27:06 PM.

[550] Email from: [redacted]; to: [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [REDACTED]; cc: [redacted]; subject: KSM and Khallad Issues; date: October 16, 2003, at 5:25:13 PM.

[551] ALEC [redacted] (111932Z NOV 03)

[552] [redacted] 10400 (161754Z NOV 03). KSM, who was with Ayman al-Zawahiri the day before his March 1, 2003, capture, first informed the CIA of this fact more than a month later, on April 3, 2003. *See* [redacted] 11139 (051956Z APR 03).

(~~TS//[redacted]//NF~~) KSM was transferred to DETENTION SITE [redacted] on [redacted], 2005,[553] to DETENTION SITE BROWN on March [redacted], 2006,[554] and to U.S. military detention at Guantanamo Bay, Cuba, on September 5, 2006.[555] The CIA disseminated 831 intelligence reports from the interrogations of KSM over a period of 3.5 years. While KSM provided more intelligence reporting than any other CIA detainee (nearly 15 percent of all CIA detainee intelligence reporting), CIA records indicate that KSM also received the most intelligence requirements and attention from CIA interrogators, debriefers, analysts, and senior CIA leadership. Further, as noted, a significant amount of the disseminated intelligence reporting from KSM that the CIA identified as important threat reporting was later identified as fabricated.[556]

H. The Growth of the CIA's Detention and Interrogation Program

1. Fifty-Three CIA Detainees Enter the CIA's Detention and Interrogation Program in 2003

(~~TS//[redacted]//NF~~) While the CIA held detainees from 2002 to 2008, early 2003 was the most active period of the CIA's Detention and Interrogation Program. Of the 119 detainees identified by the Committee as held by the CIA, 53 were brought into custody in 2003, and of the 39 detainees the Committee has found to have been subjected to the CIA's enhanced interrogation techniques, 17 were subjected to such techniques between January 2003 and August 2003. The CIA's enhanced interrogations during that time were primarily used at DETENTION SITE COBALT and DETENTION SITE BLUE.[557] Other interrogations using the CIA's enhanced interrogation techniques took place at a CIA [redacted] in Country [redacted], at which at least one CIA detainee was submerged in a bathtub filled with ice water.[558]

(~~TS//[redacted]//NF~~) In 2003, CIA interrogators sought and received approval to use the CIA's enhanced interrogation techniques against at least five detainees prior to their arrival at a CIA detention facility.[559] In two of those cases, CIA Headquarters approved the use of the CIA's

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553 [redacted] 7847 [redacted]; [redacted] 2218 [redacted]; HEADQUARTERS [redacted]

554 [redacted] 2441 [redacted]

555 [redacted] 1079 [redacted]; [redacted] 2214 (050539Z SEP 06)

556 *See* KSM detainee review in Volume III.

557 For more information, *see* detainee reviews and reports in Volume III for Ramzi bin al-Shibh, Muhammad Umar 'Abd al-Rahman aka Asadallah, Abu Khalid, Khalid Shaykh Mohammad, Mustafa Ahmad al-Hawsawi, Abu Yasir al-Jaza'iri, Suleiman Abdullah, Abu Hazim, Al-Shara'iya aka Abd al-Karim, Ammar al-Baluchi, Khallad bin Attash, Laid Ben Dohman Saidi aka Abu Hudhaifa, Majid Khan, Mohd Farik bin Amin aka Abu Zubair, Samr Hilmi Abdul Latif al-Barq, Bashir bin Lap aka Lillie, and Riduan bin Isomuddin aka Hambali.

558 For example, Abu Hudhaifa was subjected to this technique at the safehouse. (*See* email from: [REDACTED]; to: [REDACTED]; subject: Memo; date: March 15, 2004.) The incident was reported to the CIA inspector general. *See* email from: [redacted]; to: [redacted]; cc: [REDACTED], [redacted], [redacted]; subject: our telcon; at: March 17, 2004, at 11:24 AM. *See also* claims related to the treatment of Majid Khan. *See* [redacted], Briefing for the Senate Select Committee on Intelligence, Implementation of Central Intelligence Agency Secret Detention and Interrogation Program, March 14, 2008.

559 DIRECTOR [redacted] (012214Z MAR 03); DIRECTOR [redacted] (040049Z MAR 03); DIRECTOR [redacted] (252003Z MAR 03); DIRECTOR [redacted] (162224Z MAY 03); HEADQUARTERS [redacted] (102352Z SEP 03)

enhanced interrogation techniques before they were requested by CIA personnel at the detention sites.[560]

2. *The CIA Establishes DETENTION SITE BLACK in Country [redacted] and DETENTION SITE VIOLET in Country [redacted]*

(~~TS//~~ [redacted] ~~//NF~~) The CIA entered into an agreement with the [redacted] in Country [redacted] to host a CIA detention facility in [redacted] 2002.[561] In [redacted] 2003, CIA Headquarters invited the CIA Station in Country [redacted] to identify ways to support the [redacted] in Country [redacted] to "demonstrate to [redacted] and the highest levels of the [Country [redacted]] government that we deeply appreciate their cooperation and support" for the detention program.[562] The Station responded with an $[redacted] million "wish list" [redacted];[563] CIA Headquarters provided the Station with $[redacted] million more than was requested for the purposes of the [redacted] subsidy.[564] CIA detainees were transferred to DETENTION SITE BLACK in Country [redacted] in the fall of 2003.[565]

(~~TS//~~ [redacted] ~~//NF~~) In August 2003, the U.S. ambassador in Country [redacted] sought to contact State Department officials to ensure that the State Department was aware of the CIA detention facility and its "potential impact on our policy vis-à-vis the [Country [redacted]] government."[566] The U.S. ambassador was told by the CIA Station that this was not possible, and that no one at the State Department, including the secretary of state, was informed about the CIA detention facility in Country [redacted]. Describing the CIA's position as "unacceptable," the ambassador then requested a signed document from "at least the President's National Security Advisor" describing the authorities for the program, including a statement that the CIA's interrogation techniques met "legal and human rights standards," and an explicit order to him not to discuss the program with the secretary of state.[567] CIA Headquarters then sought the intervention of Deputy Secretary of State Richard Armitage, who called the U.S. ambassador. Deputy Secretary Armitage told the CIA to keep him and the secretary of state informed so that they would not be caught unaware when an ambassador raised concerns.[568]

(~~TS//~~ [redacted] ~~//NF~~) Nearly a year later, in May 2004, revelations about U.S. detainee abuses at the U.S. military prison in Abu Ghraib, Iraq, prompted the same U.S. ambassador in Country [redacted] to seek information on CIA detention standards and interrogation methods.[569] In the fall of 2004, when [redacted] U.S. ambassador to Country [redacted] sought documents authorizing the program, the CIA again sought the intervention of Deputy Secretary Armitage, who once again

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[560] DIRECTOR [redacted] (012214Z MAR 03); DIRECTOR [redacted] (040049Z MAR 03)
[561] [REDACTED] 60040 [redacted]
[562] HEADQUARTERS [redacted]
[563] [REDACTED] 5759 [redacted] 03)
[564] HEADQUARTERS [redacted]
[565] According to a cable from CIA Headquarters, [redacted] detainees arrived in Country [redacted], 2003. HEADQUARTERS [redacted]
[566] [REDACTED] [redacted]
[567] [REDACTED] [redacted]
[568] Email from: [redacted]; to: [redacted]; subject: Re: DDCI-Armitage call on [Country [redacted]] Detention Facility; date: August [redacted], 2003.
[569] [REDACTED] 6762 ([redacted] MAY 04)

made "strong remarks" to the CIA about how he and the secretary of state were "cut out of the NSC [National Security Council] clearance/coordination process" with regard to the CIA program. According to CIA records, Armitage also questioned the efficacy of the program and the value of the intelligence derived from the program.[570] While it is unclear how the [redacted] ambassador's concerns were resolved, he later joined the chief of Station in making a presentation to Country [redacted]'s [redacted] on the CIA's Detention and Interrogation Program. The presentation talking points did not describe the CIA's enhanced interrogation techniques, but represented that "[w]ithout the full range of these interrogation measures, we would not have succeeded in overcoming the resistance of [Khalid Shaykh Muhammad] and other equally resistant HVDs." The talking points included many of the same inaccurate representations[571] made to U.S. policymakers and others, attributing to CIA detainees critical information on the "Karachi Plot," the "Heathrow Plot," the "Second Wave Plot," and the "Guraba Cell"; as well as intelligence related to Issa al-Hindi, Abu Talha al-Pakistani, Hambali, Jose Padilla, Binyam Mohammed, Sajid Badat, and Jaffar al-Tayyar. The presentation also noted that the president of the United States had directed that he not be informed of the locations of the CIA detention facilities to ensure he would not accidentally disclose the information.[572]

(~~TS//[redacted]//NF~~) In a separate country, Country [redacted], the CIA obtained the approval of the [redacted] and the political leadership to establish a detention facility before informing the U.S. ambassador.[573] As the CIA chief of Station stated in his request to CIA Headquarters to brief the ambassador, Country [redacted]'s [redacted] and the [redacted] probably would ask the ambassador about the CIA detention facility.[574] After [redacted] delayed briefing the [redacted] for [redacted] months, to the consternation of the CIA Station, which wanted political approval prior to the arrival of CIA detainees.[575] The [redacted] Country [redacted] official outside of the [redacted] aware of the facility, was described as "shocked," but nonetheless approved.[576]

(~~TS//[redacted]//NF~~) By mid-2003 the CIA had concluded that its completed, but still unused "holding cell" in Country [redacted] was insufficient, given the growing number of CIA detainees in the program and the CIA's interest in interrogating multiple detainees at the same detention site. The CIA thus sought to build a new, expanded detention facility in the country.[577] The CIA

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[570] Lotus Notes message from Chief of Station [redacted] to D/CTC, COPS; copied in: email from: [redacted]; to: [REDACTED], [REDACTED]; cc: [REDACTED]; subject: ADCI Talking Points for Call to DepSec Armitage; date: [redacted] at 7:40:43 PM. The CIA's June 2013 Response states that "with regard to the Study's claims that the State Department was 'cut out' of information relating to the program, the record shows that the Secretary of State, Deputy Secretary of State… were aware of the sites at the time they were operational." As detailed throughout the Committee Study, CIA records indicate the secretary of state was not informed of the CIA detention site locations. During meetings with the CIA in the summer of 2013, the Committee requested, but was not provided, documentary evidence to support the assertion in the CIA's June 2013 Response.

[571] *See* relevant sections of this summary and Volume II for additional details.

[572] HEADQUARTERS [redacted] [REDACTED]

[573] [REDACTED] 64105 [redacted]

[574] [REDACTED] 30296 [redacted]

[575] *See* Volume I for additional details.

[576] [REDACTED] 4076 [REDACTED]; [REDACTED] 32266 [REDACTED]

[577] HEADQUARTERS [redacted]

also offered $[redacted] million to the [redacted] to "show appreciation" for the [redacted] support for the program.[578] According to a CIA cable, however, the [redacted].[579] While the plan to construct the expanded facility was approved by the [redacted] of Country [redacted], the CIA and [redacted] developed complex mechanisms to [redacted] in order to provide the $[redacted] million to the [redacted].[580]

(~~TS//~~ [redacted] ~~//NF~~) [redacted] in Country [redacted] complicated the arrangements. [redacted] when the Country [redacted] requested an update on planning for the CIA detention site, he was told [redacted]—inaccurately—that the planning had been discontinued.[581] In [redacted], when the facility received its first CIA detainees, [redacted] informed the CIA [redacted] that the [redacted] of Country [redacted] "probably has an incomplete notion [regarding the facility's] actual function, i.e., he probably believes that it is some sort of [redacted] center."[582]

3. *At Least 17 CIA Detainees Subjected to the CIA's Enhanced Interrogation Techniques Without CIA Headquarters Authorization*

(~~TS//~~ [redacted] ~~//NF~~) CIA cables from the spring of 2003 and afterwards describe multiple examples of interrogation practices at CIA detention sites that were inconsistent with the CIA's detention and interrogation guidelines. CIA officers at DETENTION SITE COBALT—led principally by Chief of Interrogations [redacted]—also described a number of interrogation activities in cables that were not approved by CIA Headquarters. CIA Headquarters failed to respond, inquire, or investigate:

- Cables revealing that the CIA's chief of interrogations used water dousing against detainees, including with cold water and/or ice water baths, as an interrogation technique without prior approval from CIA Headquarters;[583]

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[578] HEADQUARTERS [redacted]
[579] [REDACTED] 4088 [redacted]
[580] *See* Volume I for additional details.
[581] [REDACTED] 5293 [redacted] *See also* [REDACTED] 5327 [redacted].
[582] [REDACTED] 5417 [redacted]. *See* Volume III for additional details on detainees in Country [redacted].
[583] [redacted] 39042 ([redacted] MAY 03); [redacted] 38596 (201220Z MAY 03); [redacted] 39582 (041743Z JUN 03); [redacted] 38557 (191641Z MAY 03); [redacted] 38597 (201225Z MAY 03); [redacted] 39101 [redacted] MAY 03). Water dousing was categorized as a "standard" interrogation technique in June 2003.

- Cables and records indicating that CIA detainees who were undergoing or had undergone the CIA's enhanced interrogation techniques were subjected to rectal rehydration, without evidence of medical necessity, and that others were threatened with it;[584]

- Cables noting that groups of four or more interrogators, who required practical experience to acquire their CIA interrogation "certification," were allowed to apply the CIA's enhanced interrogation techniques as a group against a single detainee;[585] and

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[584] *See* [redacted] 34491 (051400Z MAR 03); Interview of [redacted], by [REDACTED] and [REDACTED] of the Office of the Inspector General, March 27, 2003; [redacted] 34575 [redacted]; email from: [redacted]; to: [REDACTED]; cc: [redacted]; subject: Re: Update; date: [redacted], at 4:51:32PM; [redacted] 12385 (222045Z JUL 03); [redacted] 10415 [redacted]. In addition to the rectal rehydration or feeding of al-Nashiri, KSM and Majid Khan, described elsewhere, there is at least one record of Abu Zubaydah receiving "rectal fluid resuscitation" for "partially refusing liquids." (*See* [redacted] 10070 [redacted].) Marwan al-Jabbur was subjected to what was originally referred to in a cable as an "enema," but was later acknowledged to be rectal rehydration. (*See* [redacted] 2563 [redacted]; email from: [redacted]; to: [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: TASKING – Fw: [redacted] date: March 30, 2007; DTS #2007-1502.) Ramzi bin al-Shibh, Khallad bin Attash and Adnan al-Libi were threatened with rectal rehydration. (*See* [redacted] 10415 [redacted]; [redacted] 12385 (222045Z JUL 03); email from: [redacted]; to: [redacted]; subject: Medical Evaluation/Update [redacted](047); date: March [redacted], 2004.) CIA medical officers discussed rectal rehydration as a means of behavior control. As one officer wrote, "[w]hile IV infusion is safe and effective, we were impressed with the ancillary effectiveness of rectal infusion on ending the water refusal in a similar case." (*See* email from: [redacted]; to [redacted]; subject: Re: [redacted] (048); date: February [redacted], 2004.) The same officer provided a description of the procedure, writing that "[r]egarding the rectal tube, if you place it and open up the IV tubing, the flow will self regulate, sloshing up the large intestines." Referencing the experience of the medical officer who subjected KSM to rectal rehydration, the officer wrote that, "[w]hat I infer is that you get a tube up as far as you can, then open the IV wide. No need to squeeze the bag – let gravity do the work." (*See* email from [redacted] to [redacted], [redacted], [redacted], [redacted], and [REDACTED], February 27, 2004, Subject: Re: [redacted] (048).) The same email exchange included a description of a previous application of the technique, in which "we used the largest Ewal [sic] tube we had." (*See* email from: [REDACTED]; to [redacted]; cc: [REDACTED], [redacted], [REDACTED], [REDACTED]; subject: Re: [redacted] (048); date: February [redacted], 2004, at 11:42:16 PM.) As described in the context of the rectal feeding of al-Nashiri, Ensure was infused into al-Nashiri "in a forward-facing position (Trendlenberg) with head lower than torso." (*See* [redacted] 1203 (231709Z MAY 04).) Majid Khan's "lunch tray," consisting of hummus, pasta with sauce, nuts, and raisins was "pureed" and rectally infused. (*See* [redacted] 3240 (231839Z SEP 04).) The CIA's June 2013 Response does not address the use of rectal feeding with CIA detainees, but defends the use of rectal rehydration as a "well acknowledged medical technique." CIA leadership, including General Counsel Scott Muller and DDO James Pavitt, was also alerted to allegations that rectal exams were conducted with "excessive force" on two detainees at DETENTION SITE COBALT. CIA attorney [redacted] was asked to follow up, although CIA records do not indicate any resolution of the inquiry. CIA records indicate that one of the detainees, Mustafa al-Hawsawi, was later diagnosed with chronic hemorrhoids, an anal fissure, and symptomatic rectal prolapse. *See* email from: [REDACTED]; to [REDACTED]; cc: [redacted], [redacted], [REDACTED]; subject: ACTIONS from the GC Update this Morning, date: [redacted], at 12:15 PM; email from: [redacted]; to: [REDACTED]; cc: [redacted], [REDACTED], [REDACTED], [REDACTED], subject: ACTIONS from the GC Update this Morning; date: [redacted], at 1:23:31 PM; email from: [redacted]; to: [REDACTED]; cc: [redacted], [REDACTED]; subject: Re: ACTIONS from the GC Update this Morning REQUEST FOR STATUS UPDATE; date: December [redacted], 2003, at 10:47:32 AM; [redacted] 3223 [redacted]; HEADQUARTERS [redacted].

[585] *See, for example,* [redacted] 38130 (121722Z MAY 03); [redacted] 38584 (201133Z MAY 03); [redacted] 38127 (121714Z MAY 03); [redacted] 38161

- Cables revealing that the CIA's enhanced interrogation techniques were used at CIA [redacted] that were not designated as CIA detention sites.[586]

(~~TS//~~ [redacted] ~~//NF~~) In the first half of 2003, the CIA interrogated four detainees with medical complications in their lower extremities: two detainees had a broken foot, one detainee had a sprained ankle, and one detainee had a prosthetic leg.[587] CIA interrogators shackled each of these detainees in the standing position for sleep deprivation for extended periods of time until medical personnel assessed that they could not maintain the position. The two detainees that each had a broken foot were also subjected to walling, stress positions, and cramped confinement, despite the note in their interrogation plans that these specific enhanced interrogation techniques were not requested because of the medical condition of the detainees.[588] CIA Headquarters did not react to the site's use of these CIA enhanced interrogation techniques despite the lack of approval.

(~~TS//~~ [redacted] ~~//NF~~) Over the course of the CIA program, at least 39 detainees were subjected to one or more of the CIA's enhanced interrogation techniques.[589] CIA records indicate that there were at least 17 CIA detainees who were subjected to one or more CIA enhanced interrogation techniques without CIA Headquarters approval. This count includes detainees who were approved for the use of some techniques, but were subjected to unapproved techniques, as well as detainees for whom interrogators had no approvals to use any of the techniques. This count also takes into account distinctions between techniques categorized as "enhanced" or "standard" by the CIA at the time they were applied.[590] The 17 detainees who

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(131326Z MAY 03); [redacted] 38595 (201216Z MAY 03); [redacted] 38126 (121709Z MAY 03).

[586] *See,* for example, [redacted] 35341 [redacted]; [redacted] 39098 [redacted]; [redacted] 39042 ([redacted] MAY 03); email from: [REDACTED]; to: [REDACTED]; subject: Memo; date: [redacted]; 2005-8085-IG; [redacted] 39101 [redacted] MAY 03); [redacted] 37708 (051225Z MAY 03); [redacted] 39077 (271719Z MAY 03); [redacted] 39099 (281101Z MAY 03).

[587] For more details, *see* detainee reviews for Muhammad Umar 'Abd al-Rahman aka Asadallah; Abu Hazim al-Libi; Al-Shara'iya aka Abd al-Karim; and Khallad bin Attash.

[588] The two detainees were Abu Hazim al-Libi and Al-Shara'iya aka Abd al-Karim.

[589] This is a conservative estimate. CIA records suggest that the CIA's enhanced interrogation techniques may have also been used against five additional detainees at DETENTION SITE COBALT in 2002, which would bring the number of CIA detainees subjected to the CIA's enhanced interrogation techniques to 44. Those additional detainees were [redacted] [DETAINEE R], who was approved for the CIA's enhanced interrogation techniques, but whose records do not refer to the use of the techniques (ALEC [redacted] ([redacted])); Ayub Murshid Ali Salih and Ha'il Aziz Ahmad Al-Maythali, whose records refer to a lack of sleep, but not the application of sleep deprivation ([redacted] 28132 (101143Z OCT 02); [redacted] 27964 (071949Z OCT 02)); Bashir Nasir Ali al-Marwalah, who later told debriefers that, when he was first captured, he "had to stand up for five days straight and answer questions" and "was also forced to strip naked and stand in front of a female interrogator" ([redacted] 14353 (231521Z APR 03)); and Sa'id Salih Sa'id, who later told debriefers that he was "mistreated and beaten by Americans while blind-folded and stripped down to his underwear in [redacted]." *See* [redacted] 13386 (090154Z JAN 03)). *See also* detainee reviews in Volume III for more information.

[590] The CIA's June 2013 Response objects to the Committee's count, arguing that "[n]o more than seven detainees received enhanced techniques prior to written Headquarters approval." The CIA's June 2013 Response then asserts that "the *Study* miscounts because it confuses the use of standard techniques that did not require prior approval at the

were subjected to techniques without the approval of CIA Headquarters were: Rafiq Bashir al-Hami,[591] Tawfiq Nasir Awad al-Bihandi,[592] Hikmat Nafi Shaukat,[593] Lufti al-Arabi al-Gharisi,[594] Muhammad Ahmad Ghulam Rabbani aka Abu Badr,[595] Gul Rahman,[596] Abd al-Rahim al-

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time they were administered with enhanced techniques that did." This statement in the CIA's June 2013 Response is inaccurate. First, prior to January 2003, the CIA had not yet designated any technique as a "standard" technique. Because sleep deprivation was included in the August 1, 2002, OLC memorandum approving the use of the CIA's enhanced interrogation techniques on Abu Zubaydah, the Committee included, among the 17, CIA detainees subjected to sleep deprivation without CIA Headquarters authorization prior to January 2003. In January 2003, sleep deprivation under a specific time limit was categorized as a "standard" CIA interrogation technique. Second, the January 2003 guidelines state that *advance* CIA Headquarters approval was required for "standard" techniques "whenever feasible." For this reason, the Committee did not include cases where CIA interrogators failed to obtain authorization in advance, but did acquire approval within several days of initiating the use of the "standard" techniques. Finally, water dousing was not characterized as a "standard" technique until June 2003. (*See* DIRECTOR [redacted] (211518Z JUN 03); DIRECTOR [redacted] (302126Z JAN 03); DIRECTOR [redacted] (311702Z JAN 03); [redacted] 39582 (041743Z JUN 03).) In numerous cases prior to June 2003, water dousing was explicitly described in CIA cables as an "enhanced" interrogation technique. (*See,* for example, DIRECTOR [redacted] (101700Z FEB 03).) The Committee thus included, among the 17, CIA detainees subjected to water dousing prior to June 2003 without CIA Headquarters authorization. The distinction between standard and enhanced interrogation techniques, which began in January 2003, was eliminated by CIA leadership in 2005. *See* Volume I and Volume III for additional details.

[591] Rafiq Bashir al-Hami was subjected to 72 hours of sleep deprivation between his arrival at DETENTION SITE COBALT and his October [redacted], 2002, interrogation. *See* [redacted] 28297 [redacted].

[592] Tawfiq Nasir Awad al-Bihani was subjected to 72 hours of sleep deprivation between his arrival at DETENTION SITE COBALT and his October [redacted], 2002, interrogation. *See* [redacted] 28462 [redacted].

[593] CIA cables from October 2002 noted that Shaukat was "tired from his regimen of limited sleep deprivation." *See* [redacted] 29381 [redacted].

[594] Lufti al-Arabi al-Gharisi underwent at least two 48-hour sessions of sleep deprivation in October 2002. *See* [redacted] 29036 [redacted]; and [redacted] 29352 [redacted].

[595] Abu Badr was subjected to forced standing, attention grasps, and cold temperatures without blankets in November 2002. *See* [redacted] 29963 [redacted].

[596] CIA interrogators used sleep deprivation, facial slap, use of cold (including cold cells and cold showers), "hard takedowns," dietary manipulation, nudity, and light deprivation on Gul Rahman. *See* [redacted] 29520 [redacted]; [redacted] 29520 [redacted]; [redacted] 29770 [redacted]; [redacted] interview of [redacted] [CIA OFFICER 1], December 19, 2002; [redacted] Interview of Hammond DUNBAR, January 9, 2003; Memorandum for Deputy Director of Operations, from [redacted], January 28, 2003, Subject: Death Investigation - Gul RAHMAN; CIA Inspector General, Report of Investigation, Death of a Detainee [redacted] (2003-7402-IG), April 27, 2005; and CIA Inspector General, Special Review, Counterterrorism Detention And Interrogation Activities (September 2001 - October 2003), May 7, 2004.

Nashiri,[597] Ramzi bin al-Shibh,[598] Asadallah,[599] Mustafa al-Hawsawi,[600] Abu Khalid,[601] Laid bin Duhman aka Abu Hudhaifa,[602] Abd al-Karim,[603] Abu Hazim,[604] Sayyid Ibrahim,[605] Abu Yasir al-Jaza'iri,[606] and Suleiman Abdullah.[607] In every case except al-Nashiri, the unauthorized

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[597] Abd al-Rahim al Nashiri was subjected to unapproved nudity and approximately two-and-a-half days of sleep deprivation in December 2002, with his arms shackled over his head for as long as 16 hours. *See* email from: [DETENTION SITE BLUE] [redacted]; to: [redacted]; subject: EYES ONLY - [redacted] ONLY -- MEMO FOR ADDO/DDO; date: January 22, 2003.

[598] The facial hold was used against Ramzi bin al-Shibh multiple times without approval. *See* [redacted] 10415 [redacted]; [redacted] 10429 (101215Z FEB 03); [redacted] 10573 (241143Z FEB 03); [redacted] 10582 (242026Z FEB 03); [redacted] 10591 (252002Z FEB 03); [redacted] 10602 (262020Z FEB 03); [redacted] 10633 (011537Z MAR 03); and [redacted] 10704 (071239Z MAR 03).

[599] Interrogators used water dousing, nudity, and cramped confinement on Asadallah without having sought or received authorization from CIA Headquarters. Bathing detainees did not require authorization by CIA Headquarters; however, as described in CIA cables, the application of "bathing" in the case of Asadallah was done punitively and was used as an interrogation technique. Nudity was also used in conjunction with water dousing/bathing and later as an interrogation technique, without approval from CIA Headquarters. *See* [redacted] 34241 [redacted]; and [redacted] 34310 [redacted].

[600] Mustafa al-Hawsawi was subjected to water dousing without approval from CIA Headquarters. *See* [redacted] (081207Z APR 03).

[601] Interrogators used sleep deprivation against Abu Khalid prior to seeking authorization from CIA Headquarters, and then failed to obtain such authorization. *See* [redacted] 35193 [redacted]; and [redacted] 35341 [redacted]. Abu Khalid had been in CIA custody for 17 days prior to the use of the technique. Advance authorization from CIA Headquarters was therefore "feasible," and thus required under the guidelines.

[602] Abu Hudhaifa was subjected to baths in which ice water was used, standing sleep deprivation for 66 hours that was discontinued due to a swollen leg attributed to prolonged standing, nudity, and dietary manipulation. (*See* email from: [redacted]; to: [REDACTED], [redacted], [redacted], [redacted], and [redacted]; subject: our telecom; date: March [redacted], 2004; CIA Office of Inspector General Report; 2005-8085-IG; [redacted] 39098 [redacted]; [redacted] 39042 [redacted] MAY 03); and [redacted] 39101 [redacted] MAY 03).). No request or approval for the use of standard or enhanced interrogation techniques could be located in CIA records.

[603] Abd al-Karim, who suffered from a foot injury incurred during his capture, was subjected to cramped confinement, stress positions, and walling despite CIA Headquarters having not approved their use. *See* DIRECTOR [redacted] MAY 03); and DIRECTOR [redacted].

[604] Abu Hazim, who also had a foot injury incurred during his capture, was subjected to walling, despite CIA Headquarters having not approved its use. (*See* [redacted] 36908 [redacted]; and [redacted] 37410 (291828Z APR 03).) Nudity, dietary manipulation, and facial grasp were used on Abu Hazim at least 13 days prior to receiving approval. *See* [redacted] 37411 (291829Z APR 03); [redacted] 37410 (291828Z APR 03); [redacted] 37493 [redacted]; DIRECTOR [redacted] MAY 03).

[605] CIA cables indicate that Sayyid Ibrahim was subjected to sleep deprivation from January 27, 2004, to January 30, 2004, which exceeded the 48 hours approved by CIA Headquarters. *See* HEADQUARTERS [redacted] (272155Z JAN 04); [redacted] 1303 [redacted] JAN 04); [redacted] 1298 [redacted] JAN 04); [redacted] 1303 [redacted] JAN 04); [redacted] 1311 [redacted] JAN 04).

[606] During March 2003 interrogations at DETENTION SITE COBALT, Abu Yasir al-Jaza'iri was "bathed," a term used to describe water dousing, which was considered at the time to be an enhanced interrogation technique. (*See* [redacted] 35558 [redacted] MAR 03).) Water dousing had not been approved, and the subsequent request, by DETENTION SITE BLUE, to use the CIA's enhanced interrogation techniques on al-Jaza'iri, did not include water dousing. *See* [redacted] 10990 [redacted]

[607] Interrogators requested approvals to use the CIA's enhanced interrogation techniques on Suleiman Abdullah, including water dousing. CIA Headquarters then approved other techniques, but not water dousing. (*See* [redacted] 36559 [redacted]; DIRECTOR [redacted].) Suleiman Abdullah was nonetheless subjected to water dousing. *See* [redacted] 37117 [redacted].

interrogation techniques were detailed in CIA cables, but CIA Headquarters did not respond or take action against the CIA personnel applying the unauthorized interrogation techniques.[608]

(~~TS//[redacted]//NF~~) This list does not include examples in which CIA interrogators were authorized to use the CIA's enhanced interrogation techniques, but then implemented the techniques in a manner that diverged from the authorization. Examples include Abu Zubair[609] and, as detailed, KSM, whose interrogators developed methods of applying the waterboard in a manner that differed from how the technique had previously been used and how it had been described to the Department of Justice. This count also excludes additional allegations of the unauthorized use of the CIA's enhanced interrogation techniques.[610]

(~~TS//[redacted]//NF~~) Over the course of the CIA's Detention and Interrogation Program, numerous detainees were subjected to the CIA's enhanced interrogation techniques by untrained interrogators. As noted, the CIA did not conduct its first training course until November 2002, by which time at least nine detainees had already been subjected to the techniques.[611] The DCI's January 28, 2003, guidelines, which stated that the CIA's enhanced interrogation techniques

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[608] The CIA's June 2013 Response states that the CIA "conducted at least 29 investigations of RDI-related conduct, plus two wide-ranging reviews of the program… one involved the death of an Afghan national who was beaten by a contractor. The individual involved was prosecuted by the Department of Justice and convicted of a felony charge. Another case involved a contractor who slapped, kicked, and struck detainees while they were in military custody. … [T]he contractor was terminated from the CIA, had his security clearances revoked, and was placed on a contractor watch list." However, the two specific examples provided in the CIA's June 2013 Response refer to detainees who were never part of the CIA's Detention and Interrogation Program. On November 6, 2013, the CIA provided a list of "IG Investigations Concerning Detention, Interrogations, and Renditions." The list of 29 included 14 investigations that were directly related to the CIA's Detention and Interrogation Program. Four additional investigations were related to detainees who claimed they had been subjected to abuse in transit from CIA custody to U.S. military custody at Guantanamo Bay. The remaining 11 investigations were unrelated to the CIA's Detention and Interrogation Program. *See* DTS #2013-3250.

[609] CIA chief of interrogations, [redacted], placed a broomstick behind the knees of Zubair when Zubair was in a stress position on his knees on the floor. Although stress positions had been approved for Zubair, the use of the broomstick was not approved. *See* April 7, 2005, Briefing for Blue Ribbon Panel, CIA Rendition, Detention, and Interrogation Programs, at 22.

[610] Majid Khan has claimed that, in May 2003, he was subjected to immersion in a tub that was filled with ice and water. (*See* [redacted], Briefing for the Senate Select Committee on Intelligence, Implementation of Central Intelligence Agency Secret Detention and Interrogation Program, dated March 14, 2008.) While CIA cables do not confirm bathing or water dousing, Chief of Interrogations [redacted], subjected Abu Hudhaifa to an (unauthorized) "icy water" bath at the same [redacted] where Majid Khan was held. (*See* email from: [redacted]; to: [REDACTED], [REDACTED], [redacted], and [redacted]; subject: our telecon; date: [redacted]; and email from: [REDACTED] [redacted]; to: [redacted]; subject: Memo; date: [redacted].) Ayub Murshid Ali Salih and Ha'il Aziz Ahmad al-Maythali were described as not having slept, although it is unclear from CIA records whether CIA interrogators kept them awake. (*See* [redacted] 28132 (101143Z OCT 02) and [redacted] 27964 (071949Z OCT 02).) Bashir Nasri Ali al-Marwalah told debriefers at Guantanamo Bay that he was "tortured" at DETENTION SITE COBALT with five days of continual standing and nudity. (*See* [redacted] 14353 (231521Z APR 03).) Sa'id Salih Sa'id likewise informed debriefers at Guantanamo that he was "beaten" while blind-folded in CIA custody. (*See* [redacted] 13386 (090154Z JAN 03).) Sixteen other detainees were held at DETENTION SITE COBALT between September and December 2002, a period during which exposure to the CIA's enhanced interrogation techniques such as sleep deprivation and nudity cannot be determined based on the lack of details in CIA cables and related documents.

[611] December 4, 2002, Training Report, High Value Target Interrogation and Exploitation (HVTIE) Training Seminar 12-18 Nov 02 (pilot running).

"may be employed only by approved interrogators for use with specific detainees," raised the additional issue of approved techniques used by unapproved interrogators.[612] The January 28, 2003, DCI guidelines did not explicitly require CIA Headquarters to approve who could use the CIA's "standard" interrogation techniques, including techniques that were not previously considered "standard" and that would later be reclassified as "enhanced" interrogation techniques. Rather, the DCI guidelines required only that "all personnel directly engaged in the interrogation" be "appropriately screened," that they review the guidelines, and that they receive "appropriate training" in the implementation of the guidelines.[613]

4. CIA Headquarters Authorizes Water Dousing Without Department of Justice Approval; Application of Technique Reported as Approximating Waterboarding

(~~TS//~~ [redacted] ~~//NF~~) CIA Headquarters approved requests to use water dousing, nudity, the abdominal slap, and dietary manipulation, despite the fact that the techniques had not been reviewed by the Department of Justice.[614] Interrogators used the water dousing technique in various ways. At DETENTION SITE COBALT, detainees were often held down, naked, on a tarp on the floor, with the tarp pulled up around them to form a makeshift tub, while cold or refrigerated water was poured on them.[615] Others were hosed down repeatedly while they were shackled naked, in the standing sleep deprivation position. These same detainees were subsequently placed in rooms with temperatures ranging from 59 to 80 degrees Fahrenheit.[616]

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[612] DIRECTOR [redacted] (302126Z JAN 03); DIRECTOR [redacted] (311702Z JAN 03). For example, on May [redacted], 2003, CIA interrogator [redacted] applied three facial attention grabs, five facial insult slaps, and three abdominal slaps to Abd al-Karim, under the supervision of CIA interrogator [redacted] [CIA OFFICER 1]. (*See* [redacted] 37821 [redacted].) [redacted] had not been approved by CIA Headquarters to employ the CIA's enhanced interrogation techniques on al-Karim; approval had only been provided for [redacted] [CIA OFFICER 1] to use the CIA's enhanced interrogation techniques. (*See* DIRECTOR [redacted].) On [redacted], CIA interrogator [redacted], under the supervision of [redacted], conducted an interrogation of Abd al-Karim in which interrogators used the facial attention grab, facial insult slap, and abdominal slap against al-Karim. (*See* [redacted] 38583 [redacted].) [redacted] had not been approved by CIA Headquarters to employ the CIA's enhanced interrogation techniques against Abd al-Karim. In another example, on [redacted] DETENTION SITE COBALT requested approval for certified interrogators [redacted] and [redacted] [CIA OFFICER 1] to use the CIA's enhanced interrogation techniques against Khallad bin Attash, and for three other interrogators, [redacted], [redacted] and [redacted] to also use the techniques "under the direct supervision of senior certified interrogator [redacted]." (*See* [redacted] 38325 [redacted].) Later that day, CIA Headquarters approved the use of CIA's enhanced interrogation techniques against Khallad bin Attash, but the approval cable did not include approval for participation by [redacted], [redacted] or [redacted] under [redacted]'s supervision. (*See* DIRECTOR [redacted] (162224Z MAY 03).) On May 17 and 18, 2003, [redacted] and [redacted] used the CIA's enhanced interrogation techniques on bin Attash under the supervision of [redacted], including facial grabs, facial insult slaps, abdominal slaps, walling, and water dousing. *See* [redacted] 38557 (191641Z MAY 03); [redacted] 38597 (201225Z MAY 03).

[613] DIRECTOR [redacted] (302126Z JAN 03); DIRECTOR [redacted] (311702Z JAN 03). The DCI guidelines provided no further information, other than to note that the screening should be "from the medical, psychological, and security standpoints."

[614] *See*, for example, DIRECTOR [redacted] (101700Z FEB 03).

[615] In the case of Abu Hudhaifa, and allegedly Majid Khan, interrogators placed the detainee in an actual tub in a CIA [redacted] when employing water dousing that included ice water.

[616] CIA cable records often describe the detainees as naked after the water dousing, while other records omit such detail. *See* Volume III for additional information.

Other accounts suggest detainees were water doused while placed on a waterboard.[617] Although CIA Headquarters approved the use of the "water dousing" interrogation technique on several detainees, interrogators used it extensively on a number of detainees without seeking or obtaining prior authorization from CIA Headquarters.[618]

(~~TS//[redacted]//NF~~) In interrogation sessions on April 5, 2003, and April 6, 2003, senior CIA interrogator [redacted] and another interrogator used the water dousing technique on detainee Mustafa al-Hawsawi at DETENTION SITE COBALT. Al-Hawsawi later described the session to a different CIA interrogator, [redacted], who wrote that al-Hawsawi might have been waterboarded or subjected to treatment that "could be indistinguishable from the waterboard."[619] An email from the interrogator stated that:

> "We did not prompt al-Hawsawi – he described the process and the table on his own. As you know, I have serious reservations about watering them in a prone position because if not done with care, the net effect can approach the effect of the water board. If one is held down on his back, on the table or on the floor, with water poured in his face I think it goes beyond dousing and the effect, to the recipient, could be indistinguishable from the water board.
>
> I have real problems with putting one of them on the water board for 'dousing.' Putting him in a head down attitude and pouring water around his chest and face is just too close to the water board, and if it is continued may lead to problems for us."[620]

(~~TS//[redacted]//NF~~) Several months later, the incident was referred to the CIA inspector general for investigation. A December 6, 2006, inspector general report summarized the findings of this investigation, indicating that water was poured on al-Hawsawi while he was lying on the floor in a prone position, which, in the opinion of at least one CIA interrogator quoted in the report, "can easily approximate waterboarding."[621] The OIG could not corroborate whether al-Hawsawi was strapped to the waterboard when he was interrogated at DETENTION SITE COBALT. Both of the interrogators who subjected al-Hawsawi to the CIA's enhanced interrogation techniques on April 6, 2003, said that al-Hawsawi cried out for God while the

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[617] Email from: [redacted], using [redacted] [REDACTED] account; to: [redacted], [redacted], and [redacted]; subject: Al-Hawsawi Incident; date: November 21, 2003.

[618] For additional details, *see* Volume III.

[619] Email from: [redacted], using [redacted] [REDACTED] account; to: [redacted], [redacted], and [redacted]; subject: Al-Hawsawi Incident; date: November 21, 2003.

[620] Email from: [redacted], using [redacted] [REDACTED] account; to: [redacted], [redacted], and [redacted]; subject: Al-Hawsawi Incident; date: November 21, 2003. Volume III of the Committee Study includes a CIA photograph of a wooden waterboard at DETENTION SITE COBALT. As detailed in the full Committee Study, there are no records of the CIA using the waterboard interrogation technique at COBALT. The waterboard device in the photograph is surrounded by buckets, with a bottle of unknown pink solution (filled two thirds of the way to the top) and a watering can resting on the wooden beams of waterboard. In meetings between the Committee staff and the CIA in the summer of 2013, the CIA was unable to explain the details of the photograph, to include the buckets, solution, and watering can, as well as the waterboard's presence at DETENTION SITE COBALT.

[621] CIA OIG Disposition Memorandum, "Alleged Use of Unauthorized Interrogation Techniques" OIG Case 2004-7604 IG, December 6, 2006.

water was being poured on him and one of the interrogators asserted that this was because of the cold temperature of the water. Both of the interrogators also stated that al-Hawsawi saw the waterboard and that its purpose was made clear to him. The inspector general report also indicates that al-Hawsawi's experience reflected "the way water dousing was done at [DETENTION SITE COBALT]," and that this method was developed with guidance from CIA CTC attorneys and the CIA's Office of Medical Services.[622]

(~~TS//[redacted]//NF~~) During the same time that al-Hawsawi claimed he was placed on the waterboard in April 2003, a CIA linguist claimed that CIA detainee Abu Hazim had also been water doused in a way that approximated waterboarding.[623] [redacted], a linguist in Country [redacted] from [redacted], 2003, until [redacted], 2003, told the OIG that:

> "when water dousing was used on Abu Hazim, a cloth covered Abu Hazim's face, and [redacted] [CIA OFFICER 1]] poured cold water directly on Abu Hazim's face to disrupt his breathing. [The linguist] said that when Abu Hazim turned blue, Physician's Assistant [redacted] removed the cloth so that Abu Hazim could breathe."[624]

(~~TS//[redacted]//NF~~) This allegation was reported to the CIA inspector general on August 18, 2004. The CIA reported this incident as a possible criminal violation on September

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[622] CIA OIG Disposition Memorandum, "Alleged Use of Unauthorized Interrogation Techniques" OIG Case 2004-7604-IG, December 6, 2006.

[623] An accusation related to an additional detainee was included in a September 6, 2012, Human Rights Watch report entitled, "Delivered Into Enemy Hands." The report asserts that documents and interviews of former detainees contradict CIA claims that "only three men in US custody had been waterboarded." Specifically, the report states that Mohammed Shoroeiya, aka Abd al-Karim, "provided detailed and credible testimony that he was waterboarded on repeated occasions during US interrogations in Afghanistan." According to the report, Mohammed Shoroeiya stated that a hood was placed over his head and he was strapped to a "wooden board." The former CIA detainee stated that after being strapped to the waterboard, "then they start with the water pouring… They start to pour water to the point where you feel like you are suffocating." As detailed in the full Committee Study, Mohammed Shoroeiya, aka Abd al-Karim, was rendered to CIA custody at DETENTION SITE [redacted] on April [redacted], 2003. While there are no CIA records of Mohammed Shoroeiya, aka Abd al-Karim, being subjected to the waterboard at DETENTION SITE [redacted], the full nature of the CIA interrogations at DETENTION SITE [redacted] remains largely unknown. Detainees at DETENTION SITE [redacted] were subjected to techniques that were not recorded in cable traffic, including multiple periods of sleep deprivation, required standing, loud music, sensory deprivation, extended isolation, reduced quantity and quality of food, nudity, and "rough treatment." As described, Volume III of the Committee Study includes a CIA photograph of a wooden waterboard at DETENTION SITE [redacted]. As detailed in the full Committee Study, there are no records of the CIA using the waterboard interrogation technique at DETENTION SITE [redacted]. The waterboard device in the photograph is surrounded by buckets, with a bottle of unknown pink solution (filled two thirds of the way to the top) and a watering can resting on the wooden beams of waterboard. In meetings between the Committee staff and the CIA in the summer of 2013, the CIA was unable to explain the details of the photograph, to include the buckets, solution, and watering can, as well as the waterboard's presence at DETENTION SITE [redacted]. In response to the allegations in the September 2012 Human Rights Watch report, the CIA stated: "The agency has been on the record that there are three substantiated cases in which detainees were subjected to the waterboarding technique under the program." *See* "Libyan Alleges Waterboarding by CIA, Report Says," *New York Times*, September 6, 2012.

[624] CIA IG Disposition Memo, "Alleged Use of Unauthorized Techniques," dated December 6, 2006. 2004-77717-16.

10, 2004, to the U.S. Attorney's Office in the Eastern District of Virginia.[625] The inspector general report concluded that there was no corroboration of the linguist's allegation, stating, "[t]here is no evidence that a cloth was placed over Abu Hazim's face during water dousing or that his breathing was impaired."[626]

5. *Hambali Fabricates Information While Being Subjected to the CIA's Enhanced Interrogation Techniques*

(~~TS//~~ [redacted] ~~//NF~~) In the summer of 2003, the CIA captured three Southeast Asian operatives: Zubair,[627] Lillie,[628] and Hambali. (These captures are discussed later in this summary in the section entitled, "The Capture of Hambali.")[629]

(~~TS//~~ [redacted] ~~//NF~~) In August 2003, Hambali was captured and transferred to CIA custody.[630] Despite assessments that Hambali was cooperative in the interview process without "the use of more intrusive standard interrogation procedures much less the enhanced measures," CIA interrogators requested and obtained approval to use the CIA's enhanced interrogation techniques on Hambali approximately a month after his transfer to CIA custody.[631] In late 2003, Hambali recanted most of the significant information he had provided to interrogators during the use of the CIA's enhanced interrogation techniques, recantations CIA officers assessed to be credible.[632] According to a CIA cable:

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[625] CIA IG Disposition Memo, "Alleged Use of Unauthorized Techniques," dated December 6, 2006. 2004-77717-16.

[626] CIA IG Disposition Memo, "Alleged Use of Unauthorized Techniques," dated December 6, 2006. 2004-77717-16.

[627] [redacted] 84854 [redacted]

[628] [redacted] 87617 [redacted]; [redacted] 87426 (111223Z AUG 03). Lillie was subjected to the CIA's enhanced interrogation techniques almost immediately upon his arrival at DETENTION SITE COBALT, on August [redacted], 2003. He was "stripped of his clothing," and "placed in a cell in the standing sleep deprivation position, in darkness." (*See* [redacted] 1242 (151914Z AUG 03).) A day later an interrogation plan for Lillie, including the use of the CIA's enhanced interrogation techniques, was submitted to CIA Headquarters on August [redacted], 2003. (*See* [redacted] 1243 (152049Z AUG 03).) CIA Headquarters approved the use of the CIA's enhanced interrogation techniques on Lillie on the following day, August [redacted], 2003. (*See* HEADQUARTERS [redacted] ([redacted] AUG 03).) As described, the Committee's count of detainees subjected to unauthorized techniques did not include detainees such as Lillie, who were subjected to the CIA's "standard" techniques prior to authorization from CIA Headquarters, but for whom authorization from CIA Headquarters was acquired shortly thereafter. As noted, the January 2003 guidelines required advance approval of such techniques "whenever feasible."

[629] [redacted] 9515 [redacted]; [redacted] 87617 [redacted]; [redacted] 87414 [redacted] "Hambali Capture." For additional details, *see* Volume II.

[630] [redacted] 87617 [redacted]

[631] [redacted] 1271 [redacted] AUG 03); [redacted] 1267 [redacted] AUG 03). The cable also noted that CIA contractor Hammond DUNBAR had arrived at the detention site and was participating in Hambali's interrogations as an interrogator. The "psychological assessment" portion of the cable was attributed to a CIA staff psychologist, however, and not to DUNBAR.

[632] CIA officers interrogating Hambali in November 2003 wrote about Hambali's "account of how, through statements read to him and constant repetition of questions, he was made aware of what type of answers his questioners wanted. [Hambali] said he merely gave answers that were similar to what was being asked and what he inferred the interrogator or debriefer wanted, and when the pressure subsided or he was told that the information he gave was okay, [Hambali] knew that he had provided the answer that was being sought." The cable states, "Base assesses [Hambali]'s admission of previous fabrication to be credible. [Hambali]'s admission came after three

"he had provided the false information in an attempt to reduce the pressure on himself … and to give an account that was consistent with what [Hambali] assessed the questioners wanted to hear."[633]

(~~TS//~~ [redacted] ~~//NF~~) CIA officers later suggested that the misleading answers and resistance to interrogation that CIA interrogators cited in their requests to use the CIA's enhanced interrogation techniques against Hambali and an associated CIA detainee, Lillie, may not have been resistance to interrogation, but rather the result of issues related to culture and their poor English language skills.[634]

6. *After the Use of the CIA's Enhanced Interrogation Techniques, CIA Headquarters Questions Detention of Detainee and Recommends Release; Detainee Transferred to U.S. Military Custody and Held for An Additional Four Years*

(~~TS//~~ [redacted] ~~//NF~~) In October 2003, the CIA interrogated Arsala Khan, an Afghan national in his mid-fifties who was believed to have assisted Usama bin Laden in his escape through the Tora Bora Mountains in late 2001.[635] After 56 hours of standing sleep deprivation, Arsala Khan was described as barely able to enunciate, and being "visibly shaken by his hallucinations depicting dogs mauling and killing his sons and family." According to CIA cables, Arsala Khan "stated that [the interrogator] was responsible for killing them and feeding them to the dogs."[636]

(~~TS//~~ [redacted] ~~//NF~~) Arsala Khan was subsequently allowed to sleep.[637] Two days later, however, the interrogators returned him to standing sleep deprivation. After subjecting Khan to 21 additional hours of sleep deprivation, interrogators stopped using the CIA's enhanced

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weeks of daily debriefing sessions with [the case officer] carried out almost entirely in Bahasa Indonesia. [Hambali] has consistently warmed to [the case officer's] discussions with him, and has provided to [the case officer] additional information that he had avoided in the past… More tellingly, [Hambali] has opened up considerably to [the case officer] about his fears and motivations, and has taken to trusting [the case officer] at his word. [Hambali] looks to [the case officer] as his sole confidant and the one person who has [Hambali]'s interest in mind…." *See* [redacted] 1142 (301055Z NOV 03). This cable appears to have been retransmitted the following day as [redacted] 1144 (010823Z DEC 03).

633 [redacted] 1142 (301055Z NOV 03)

634 [redacted] 1072 (110606Z OCT 03); [redacted] 1075 (111828Z OCT 03); [redacted] 1142 (301055Z NOV 03); [redacted] 1158 (081459Z DEC 03); [redacted] 1604 (191232Z JAN 04). After an Indonesian speaker was deployed to debrief Hambali, the debriefer "got the distinct impression [Hambali] was just responding 'yes' in the typical Indonesian cultural manner when they [sic] do not comprehend a question." The CIA cable then noted that, "[j]ust to clarify, [the Indonesian speaking debriefer] then posed the same question in Indonesian," and "[w]ithout pause, [Hambali] replied with a direct contradiction, claiming that on 20 September 2001, he was in Karachi, not Qandahar." (*See* [redacted] 1075 (111828Z OCT 03).) A January 2004 cable stated that "Lillie is of limited value," adding that "[h]is English is very poor, and we do not have a Malay linguist." *See* [redacted] 1604 (191232Z JAN 04). *See also* detainee reviews in Volume III for additional information.

635 WASHINGTON [redacted]

636 [redacted] 1393 (201006Z OCT 03). The information was also released in [redacted] 48122 [redacted]. CIA records indicate that the CIA's interrogations of Arsala Khan resulted in one disseminated intelligence report, derived from information Khan provided the day he experienced the hallucinations. *See* [redacted], via CIA WASHINGTON DC [redacted].

637 [redacted] 1393 (201006Z OCT 03)

interrogation techniques "[d]ue to lack of information from [Arsala Khan] pinning him directly to a recent activity."[638] Three days after the reporting about Khan's hallucinations, and after the interrogators had already subjected Khan to the additional 21 hours of standing sleep deprivation (beyond the initial 56 hours), CIA Headquarters sent a cable stating that RDG and the Office of Medical Services believed that Arsala Khan should not be subjected to additional standing sleep deprivation beyond the 56 hours because of his hallucinations.[639]

(~~TS//[redacted]//NF~~) After approximately a month of detention and the extensive use of the CIA's enhanced interrogation techniques on Arsala Khan, the CIA concluded that the "detainee Arsala Khan does not appear to be the subject involved in… current plans or activities against U.S. personnel or facilities," and recommended that he be released to his village with a cash payment.[640] CIA interrogators at DETENTION SITE COBALT instead transferred him to U.S. military custody, where he was held for an additional four years despite the development of significant intelligence indicating that the source who reported that Arsala Khan had aided Usama bin Laden had a vendetta against Arsala Khan's family.[641]

7. *A Year After DETENTION SITE COBALT Opens, the CIA Reports "Unsettling Discovery That We Are Holding a Number of Detainees About Whom We Know Very Little"*

(~~TS//[redacted]//NF~~) In the fall of 2003, CIA officers began to take a closer look at the CIA detainees being held in Country [redacted], raising concerns about both the number and types of detainees being held by the CIA. CIA officers in Country [redacted] provided a list of CIA detainees to CIA Headquarters, resulting in the observation by CIA Headquarters that they had not previously had the names of all 44 CIA detainees being held in that country. At the direction of CIA Headquarters, the Station in Country [redacted] "completed an exhaustive search of all available records in an attempt to develop a clearer understanding of the [CIA] detainees." A December 2003 cable from the Station in Country [redacted] to CIA Headquarters stated that:

> "In the process of this research, we have made the unsettling discovery that we are holding a number of detainees about whom we know very little. The majority of [CIA] detainees in [Country [redacted]] have not been debriefed for months and, in some cases, for over a year. Many of them appear to us to have no further intelligence value for [the CIA] and should more properly be turned over to the [U.S. military], to [Country [redacted]] authorities or to third countries for further investigation and possibly prosecution. In a few cases, there does not appear to be enough evidence to continue incarceration, and, if this is in fact the case, the detainees should be released."[642]

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[638] [redacted] 1396 [redacted]
[639] HEADQUARTERS
[640] HEADQUARTERS
[641] *See*, for example, [redacted] 1407 [redacted]; [redacted] 1407 [redacted]; 2229 [redacted]; HEADQUARTERS [redacted]; 1495 [redacted]; 1375 [redacted]; 1080 [redacted]; 1375 [redacted]; 3158 [redacted]; HEADQUARTERS [redacted].
[642] [redacted] 1528 [redacted]

(~~TS//~~[redacted]~~//NF~~) Records indicate that all of these CIA detainees had been kept in solitary confinement. The vast majority of these detainees were later released, with some receiving CIA payments for having been held in detention.[643]

8. CIA Detention Sites in Country [redacted] Lack Sufficient Personnel and Translators to Support the Interrogations of Detainees

(~~TS//~~[redacted]~~//NF~~) Throughout 2003, the CIA lacked sufficient personnel and adequate translators to conduct debriefings and interrogations in Country [redacted]. Because of this personnel shortage, a number of detainees who were transferred to CIA custody were not interrogated or debriefed by anyone for days or weeks after their arrival at CIA detention facilities in Country [redacted].[644] As noted in a cable from the CIA Station in Country [redacted], in April 2003:

> "Station is supporting the debriefing and/or interrogation of a large number of individuals... and is constrained by a lack of personnel which would allow us to fully process them in a timely manner."[645]

I. Other Medical, Psychological, and Behavioral Issues

1. CIA Interrogations Take Precedence Over Medical Care

(~~TS//~~[redacted]~~//NF~~) While CIA Headquarters informed the Department of Justice in July 2002 "that steps will be taken to ensure that [Abu Zubaydah's] injury is not in any way exacerbated by the use of these [enhanced interrogation] methods,"[646] CIA Headquarters informed CIA interrogators that the interrogation process would take "precedence" over Abu Zubaydah's medical care.[647] Beginning on August 4, 2002, Abu Zubaydah was kept naked, fed a "bare bones" liquid diet, and subjected to the non-stop use of the CIA's enhanced interrogation techniques.[648] On August 15, 2002, medical personnel described how Abu Zubaydah's interrogation resulted in the "steady deterioration" of his surgical wound from April 2002.[649] On

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[643] This included Sayed Habib ($[redacted]), Zarmein ("a nominal payment"), Modin Nik Mohammed ($[redacted]), and Ali Saeed Awadh ($[redacted]). *See* Volume III for additional details.

[644] For detailed information, *see* Volume III.

[645] [redacted] 36229 (060943Z APR 03). *See also* detainee reviews for Lillie, Hambali, Mustafa al-Hawsawi, and Suleiman Abdullah.

[646] *See* Memorandum for John Rizzo, Acting General Counsel, Central Intelligence Agency, from Jay Bybee, Assistant Attorney General, Office of Legal Counsel, August 1, 2002, Interrogation of al Qaeda Operative."

[647] ALEC [redacted] (182321Z JUL 02)

[648] *See* Abu Zubaydah detainee review in Volume III for additional information, as well as email from: [REDACTED], to: [redacted] and [REDACTED], subject: 15 Aug Clinical; date: August 15, 2002, at 06:54 AM.

[649] An email to OMS stated: "We are currently providing absolute minimum wound care (as evidenced by the steady deterioration of the wound), [Abu Zubaydah] has no opportunity to practice any form of hygienic self care (he's filthy), the physical nature of this phase dictates multiple physical stresses (his reaction to today's activity is I believe the culprit for the superior edge separation), and nutrition is bare bones (six cans of ensure daily)." *See* email from: [REDACTED], to: [redacted] and [REDACTED], subject: 15 Aug Clinical; date: August 15, 2002, at 06:54 AM.

August 20, 2002, medical officers wrote that Abu Zubaydah's wound had undergone "significant" deterioration.[650] Later, after one of Abu Zubaydah's eyes began to deteriorate,[651] CIA officers requested a test of Abu Zubaydah's other eye, stating that the request was "driven by our intelligence needs vice humanitarian concern for AZ." The cable relayed, "[w]e have a lot riding upon his ability to see, read and write."[652]

(~~TS//~~ [redacted] ~~//NF~~) In April 2003, CIA detainees Abu Hazim and Abd al-Karim each broke a foot while trying to escape capture and were placed in casts.[653] CIA cables requesting the use of the CIA's enhanced interrogation techniques on the two detainees stated that the interrogators would "forego cramped confinement, stress positions, walling, and vertical shackling (due to [the detainees'] injury)."[654] Notwithstanding medical concerns related to the injuries, both of these detainees were subjected to one or more of these CIA enhanced interrogation techniques prior to obtaining CIA Headquarters approval.[655]

(~~TS//~~ [redacted] ~~//NF~~) In the case of Abu Hazim, on May 4, 2003, the CIA regional medical officer examined Abu Hazim and recommended that he avoid all weight bearing activities for an additional five weeks due to his broken foot.[656] In the case of Abd al-Karim, on April 18, 2003, a CIA physician assistant recommended that al-Karim avoid extended standing for "a couple of weeks."[657] Six days later, on April 24, 2003, CIA Headquarters reviewed x-rays of al-Karim's foot, diagnosing him with a broken foot, and recommending no weight bearing and the use of crutches for a total of three months.[658] Despite these recommendations, on May 10,

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[650] [redacted] 10647 (201331Z AUG 02); [redacted] 10654 (211318Z AUG 02); [redacted] 10679 (250932Z AUG 02)

[651] Records indicate that Abu Zubaydah ultimately lost the eye. *See* [redacted] 11026 (070729Z OCT 02).

[652] [redacted] 10679 (250932Z AUG 02); [redacted] 11026 (070729Z OCT 02)

[653] [redacted] 44147 [redacted] 36862 (181352Z APR 03)

[654] [redacted] 36908 [redacted] 36862 (181352Z APR 03). To accommodate Abu Hazim's and Abd al-Karim's injuries, the cable stated that, rather than being shackled standing during sleep deprivation, the detainees would be "seated, secured to a cell wall, with intermittent disruptions of normal sleeping patterns." For water dousing, the detainees' injured legs would be "wrapped in plastic." The requests were approved. *See* DIRECTOR [redacted]; DIRECTOR [redacted].

[655] With regard to Abu Hazim, on April 24, 2003, an additional CIA Headquarters approval cable was sent to DETENTION SITE COBALT authorizing interrogator [redacted] to use the attention grasp, facial insult slap, abdominal slap, water dousing, and sleep deprivation up to 72 hours; the cable did not approve the use of walling or the facial hold. (*See* DIRECTOR [redacted]) Despite the lack of approval, walling was used against Abu Hazim on April 28-29, 2003, and the facial hold was used on April 27, 2003. (*See* [redacted] 37411 (291829Z APR 03); [redacted] 37410 (291828Z APR 03); [redacted] 37509 (021309Z MAY 03).) A May 10, 2003, CIA Headquarters cable approved walling and the facial grasp. (*See* DIRECTOR [redacted] MAY 03).) Abd al-Karim was also subjected to unapproved CIA enhanced interrogation techniques that the detention site initially indicated would not be used due to the detainee's injuries. Without approval from CIA Headquarters, CIA interrogators subjected Abd al-Karim to cramped confinement on April 19-20, 2003; stress positions on April 21, 2003; and walling on April 21, and 29, 2003. (*See* [redacted] 37121 (221703Z APR 03); [redacted] 37152 (231424Z APR 03); 37202 (250948Z APR 03); [redacted] 37508 (021305Z MAY 03).) On May 10, 2003, CIA Headquarters approved an expanded list of CIA enhanced interrogation techniques that could be used against Abd al-Karim, including walling and stress positions. *See* DIRECTOR [redacted] MAY 03).

[656] DIRECTOR [redacted] MAY 03)

[657] [redacted] 36862 (181352Z APR 03)

[658] DIRECTOR [redacted]

2003, CIA interrogators believed that both Hazim and al-Karim were "strong mentally and physically due to [their] ability to sleep in the sitting position."[659] On May 12, 2003, a different CIA physician assistant, who had not been involved in the previous examinations determining the need for the detainees to avoid weight bearing, stated that it was his "opinion" that Abu Hazim's and Abd al-Karim's injuries were "sufficiently healed to allow being placed in the standing sleep deprivation position."[660] He further reported that he had "consulted with [CIA's Office of Medical Services] via secure phone and OMS medical officer concurred in this assessment."[661] CIA Headquarters approved the use of standing sleep deprivation against both detainees shortly thereafter.[662] As a result, both detainees were placed in standing sleep deprivation. Abu Hazim underwent 52 hours of standing sleep deprivation from June 3-5, 2003,[663] and Abd al-Karim underwent an unspecified period of standing sleep deprivation on May 15, 2003.[664]

(~~TS//~~[redacted]~~//NF~~) CIA detainee Asadallah was left in the standing sleep deprivation position despite a sprained ankle. Later, when Asadallah was placed in stress positions on his knees, he complained of discomfort and asked to sit. Asadallah was told he could not sit unless he answered questions truthfully.[665]

2. CIA Detainees Exhibit Psychological and Behavioral Issues

(~~TS//~~[redacted]~~//NF~~) Psychological and behavioral problems experienced by CIA detainees, who were held in austere conditions and in solitary confinement, also posed

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659 [redacted] 38262 (150541Z MAY 03); [redacted] 38161 (131326Z MAY 03)

660 [redacted] 38161 (131326Z MAY 03)

661 [redacted] 38161 (131326Z MAY 03)

662 *See* DIRECTOR [redacted] MAY 03) for Abu Hazim; and DIRECTOR [redacted] MAY 03) for Abd al-Karim.

663 [redacted] 39582 (041743Z JUN 03); [redacted] 39656 (060955Z JUN 03)

664 [redacted] 38365 (170652Z MAY 03)

665 Asadallah was also placed in a "small isolation box" for 30 minutes, without authorization and without discussion of how the technique would affect his ankle. (*See* [redacted] 34098 [redacted]; [redacted] 34294 [redacted]; [redacted] 34310 [redacted].) While CIA records contain information on other detainee medical complaints (*see* Volume III), those records also suggest that detainee medical complaints could be underreported in CIA medical records. For example, CIA medical records consistently report that CIA detainee Ramzi bin al-Shibh had no medical complaints. However, CIA interrogation records indicate that when bin al-Shibh had previously complained of ailments to CIA personnel, he was subjected to the CIA's enhanced interrogation techniques and told by CIA interrogators that his medical condition was not of concern to the CIA. (*See* [redacted] 10591 (252002Z FEB 03); [redacted] 10627 (281949Z FEB 03).) In testimony on April 12, 2007, CIA Director Michael Hayden referenced medical care of detainees in the context of the ICRC report on CIA detentions. Hayden testified to the Committee: "The medical section of the ICRC report concludes that the association of CIA medical officers with the interrogation program is 'contrary to international standards of medical ethics.' That is just wrong. The role of CIA medical officers in the detainee program is and always has been and always will be to ensure the safety and the well-being of the detainee. The placement of medical officers during the interrogation techniques represents an extra measure of caution. Our medical officers do not recommend the employment or continuation of any procedures or techniques. The allegation in the report that a CIA medical officer threatened a detainee, stating that medical care was conditional on cooperation is blatantly false. Health care has always been administered based upon detainee needs. It's neither policy nor practice to link medical care to any other aspect of the detainee program." This testimony was incongruent with CIA records.

management challenges for the CIA.[666] For example, later in his detention, Ramzi bin al-Shibh exhibited behavioral and psychological problems, including visions, paranoia, insomnia, and attempts at self-harm.[667] CIA psychologists linked bin al-Shibh's deteriorating mental state to his isolation and inability to cope with his long-term detention.[668] Similarly, 'Abd al-Rahim al-Nashiri's unpredictable and disruptive behavior in detention made him one of the most difficult detainees for the CIA to manage. Al-Nashiri engaged in repeated belligerent acts, including throwing his food tray,[669] attempting to assault detention site personnel,[670] and trying to damage items in his cell.[671] Over a period of years, al-Nashiri accused the CIA staff of drugging or poisoning his food and complained of bodily pain and insomnia.[672] As noted, at one point, al-Nashiri launched a short-lived hunger strike, and the CIA responded by force feeding him rectally.[673] An October 2004 psychological assessment of al-Nashiri was used by the CIA to advance its discussions with National Security Council officials on establishing an "endgame" for the program.[674] In July 2005, CIA Headquarters expressed concern regarding al-Nashiri's "continued state of depression and uncooperative attitude."[675] Days later a CIA psychologist assessed that al-Nashiri was on the "verge of a breakdown."[676]

(~~TS//[redacted]//NF~~) Beginning in March 2004, and continuing until his rendition to U.S. military custody at Guantanamo Bay in September 2006, Majid Khan engaged in a series of hunger strikes and attempts at self-mutilation that required significant attention from CIA detention site personnel. In response to Majid Khan's hunger strikes, medical personnel

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[666] For additional details, *see* Volume III.

[667] [redacted] 1759 (021319Z OCT 04); HEADQUARTERS [redacted] (040023Z NOV 05); [redacted] 1890 (171225Z NOV 04); [redacted] 1878 (140915Z NOV 04); [redacted] 1930 (061620Z DEC 04); [redacted] 2207 (111319Z APR 05); [redacted] 2210 (141507Z APR 05); [redacted] 2535 (051805Z JUL 05); [redacted] 2589 (120857Z JUL 05); [redacted] 2830 (291304Z AUG 05); [redacted] 1890 (171225Z NOV 04); [redacted] 1893 (200831Z NOV 04); CIA document entitled, "Detainee Talking Points for ICRC Rebuttal, 12 April 2007"; [redacted] 2210 (141507Z APR 05); [redacted] 2535 (051805Z JUL 05); [redacted] 2210 (141507Z APR 05); [redacted] 2535 (051805Z JUL 05); [redacted] 2830 (291304Z AUG 05); [redacted] 1930 (061620Z DEC 04); [redacted] 2210 (141507Z APR 05)

[668] [redacted] 2210 (141507Z APR 05); [redacted] 2535 (051805Z JUL 05); [redacted] 2830 (291304Z AUG 05)

[669] [redacted] 1691 (081609Z SEP 04); [redacted] 1716 (180742Z SEP 04); [redacted] 1998 (020752Z JAN 05); [redacted] 2023 (151735Z JAN 05); [redacted] 2515 (301946Z JUN 05); [redacted] 1150 (282019Z NOV 03)

[670] [redacted] 1029 (291750Z JUN 06); [redacted] 1142 (041358Z AUG 06); [redacted] 1543 (111600Z AUG 04); [redacted] 1716 (180742Z SEP 04); [redacted] 3051 (301235Z SEP 05); [redacted] 1029 (291750Z JUN 06)

[671] *See*, for example, [redacted] 2474 (251622Z JUN 05); [redacted] 2673 (021451Z AUG 05); [redacted] 1716 (180742Z SEP 04).

[672] *See*, for example, [redacted] 1356 (011644Z JUL 04); [redacted] 1880 (140917Z NOV 04); [redacted] 1959 (111700Z DEC 04); [redacted] 1962 (121029Z DEC 04); [redacted] 1959 (111700Z DEC 04); [redacted] 2038 (211558Z JAN 05); [redacted] 1091 (031835Z NOV 03); [redacted] 1266 (052309Z JAN 04); [redacted] 1630 (271440Z MAR 04).

[673] [redacted] 1203 (231709Z MAY 04); [redacted] 1202 (231644Z MAY 04). CIA records indicate that at least five detainees were subjected to rectal rehydration or rectal feeding: Abu Zubaydah, Abd al-Rahim al-Nashiri, Khalid Shaykh Mohammad, Majid Khan, and Marwan al-Jabbur. *See* Volume III for additional details.

[674] Email from: [redacted]; to: [redacted] [DETENTION SITE BLACK[redacted] cc: [redacted]; subject: Interrogator Assessments/Request for Endgame Views; date: October 30, 2004.

[675] HEADQUARTERS [redacted] (282217Z JUL 05)

[676] CIA Sametime exchange, dated 29/JUL/05 08:01:51 – 08:50:13; between [redacted] and [redacted].

implemented various techniques to provide fluids and nutrients, including the use of a nasogastric tube and the provision of intravenous fluids. CIA records indicate that Majid Khan cooperated with the feedings and was permitted to infuse the fluids and nutrients himself.[677] After approximately three weeks, the CIA developed a more aggressive treatment regimen "without unnecessary conversation."[678] Majid Khan was then subjected to involuntary rectal feeding and rectal hydration, which included two bottles of Ensure. Later that same day, Majid Khan's "lunch tray," consisting of hummus, pasta with sauce, nuts, and raisins, was "pureed" and rectally infused.[679] Additional sessions of rectal feeding and hydration followed.[680] In addition to his hunger strikes, Majid Khan engaged in acts of self-harm that included attempting to cut his wrist on two occasions,[681] an attempt to chew into his arm at the inner elbow,[682] an attempt to cut a vein in the top of his foot,[683] and an attempt to cut into his skin at the elbow joint using a filed toothbrush.[684]

J. The CIA Seeks Reaffirmation of the CIA's Detention and Interrogation Program in 2003

1. Administration Statements About the Humane Treatment of Detainees Raise Concerns at the CIA About Possible Lack of Policy Support for CIA Interrogation Activities

(~~TS//~~ [redacted] ~~//NF~~) On several occasions in early 2003, CIA General Counsel Scott Muller expressed concern to the National Security Council principals, White House staff, and Department of Justice personnel that the CIA's program might be inconsistent with public statements from the Administration that the U.S. Government's treatment of detainees was "humane."[685] CIA General Counsel Muller therefore sought to verify with White House and Department of Justice personnel that a February 7, 2002, Presidential Memorandum requiring the U.S. military to treat detainees humanely did not apply to the CIA.[686] Following those

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677 [redacted] 3183 (161626Z SEP 04); [redacted] 3184 (161628Z SEP 04); [redacted] 3190 (181558Z SEP 04); [redacted] 3196 (201731Z SEP 04); [redacted] 3197 (201731Z SEP 04); [redacted] 3206 (211819Z SEP 04); [redacted] 3135 (120625Z SEP 04); [redacted] 3181 (161621Z SEP 04)

678 [redacted] 3237 (230552Z SEP 04)

679 [redacted] 3240 (231839Z SEP 04)

680 [redacted] 3259 (261734Z SEP 04). The CIA's June 2013 Response states that "rectal rehydration" is a "well acknowledged medical technique to address pressing health issues." A follow-up CIA document provided on October 25, 2013 (DTS #2013-3152), states that "[f]rom a health perspective, Majid Khan became uncooperative on 31 August 2004, when he initiated a hunger strike and before he underwent rectal rehydration… CIA assesses that the use of rectal rehydration is a medically sound hydration technique…." The assertion that Majid Khan was "uncooperative" prior to rectal rehydration and rectal feeding is inaccurate. As described in CIA records, prior to being subjected to rectal rehydration and rectal feeding, Majid Khan cooperated with the nasogastric feedings and was permitted to infuse the fluids and nutrients himself.

681 [redacted] 3694 (301800Z NOV 04); [redacted] 4242 (191550Z MAR 05); [redacted] 4250 (221213Z MAR 05)

682 [redacted] 3724 (031723Z DEC 04)

683 [redacted] 3835 (260659Z DEC 04)

[redacted] 4614 (071358Z JUN 05)

685 February 12, 2003, MFR from Scott Muller, Subject: "Humane" treatment of CIA detainees; March 7, 2003, Memorandum for DDCIA from Muller, Subject: Proposed Response to Human Rights Watch Letter.

686 January 9, 2003, Draft Memorandum for Scott Mueller [sic], General Counsel of the Central Intelligence Agency, from John C. Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, re: Application of the President's

discussions in early 2003, the White House press secretary was advised to avoid using the term "humane treatment" when discussing the detention of al-Qa'ida and Taliban personnel.[687]

(~~TS//~~ [redacted] ~~//NF~~) In mid-2003, CIA officials also engaged in discussions with the Department of Justice, the Department of Defense, and attorneys in the White House on whether representations could be made that the U.S. Government complied with certain requirements arising out of the Convention Against Torture, namely that the treatment of detainees was consistent with constitutional standards in the Fifth, Eighth, and Fourteenth Amendments.[688] In late June 2003, after numerous inter-agency discussions, William Haynes, the general counsel of the Department of Defense, responded to a letter from Senator Patrick Leahy stating that it was U.S. policy to comply with these standards.[689] According to a memorandum from the CIA's [redacted] CTC Legal, [redacted], the August 1, 2002, OLC opinion provided a legal "safe harbor" for the CIA's use of its enhanced interrogation techniques.[690] The August 1, 2002, opinion did not, however, address the constitutional standards described in the letter from William Haynes.

(~~TS//~~ [redacted] ~~//NF~~) In July 2003, after the White House made a number of statements again suggesting that U.S. treatment of detainees was "humane," the CIA asked the national security advisor for policy reaffirmation of the CIA's use of its enhanced interrogation techniques. During the time that request was being considered, CIA Headquarters stopped approving requests from CIA officers to use the CIA's enhanced interrogation techniques.[691] Because of this stand-down, CIA interrogators, with CIA Headquarters approval, instead used repeated applications of the CIA's "standard" interrogation techniques. These "standard" techniques were coercive, but not considered to be as coercive as the CIA's "enhanced" interrogation techniques. At this time, sleep deprivation beyond 72 hours was considered an

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February 7, 2002, Memorandum on the Geneva Convention (III) of 1949 to the Release of an al Qaeda Detainee to the Custody of the CIA. The memorandum stated that neither al-Qa'ida nor Taliban detainees qualified as prisoners of war under Geneva, and that Common Article 3 of Geneva, requiring humane treatment of individuals in a conflict, did not apply to al-Qa'ida or Taliban detainees

[687] March 18, 2003, Memorandum for the Record from [redacted], Subject: meeting with DOJ and NSC Legal Adviser.

[688] *See*, for example, March 18, 2003, email from: [redacted]; to: Scott Muller; subject: Memorandum for the Record – Telcon with OLC; date: March 13, 2003; email from: Scott W. Muller; to: Stanley M. Moskowitz, John H. Moseman; cc: [redacted] John A. Rizzo, [redacted]; subject: Interrogations; date: April 1, 2003, at 1:18:35 PM; email from: [redacted]; to: Scott Muller; cc: John Rizzo, [REDACTED], [REDACTED], [REDACTED]; subject: Black letter law on Interrogations; Legal Principles Applicable to CIA Detention and Interrogation of Captured Al-Qa'ida Personnel; date: April 17, 2003.

[689] June 25, 2003, Letter from William J. Haynes, II, General Counsel of the Department of Defense to Patrick Leahy, United States Senate.

[690] June 30, 2003, Memorandum for the Record from [redacted], Subject: White House Meeting on Enhanced Techniques (DTS #2009-2659).

[691] *See*, for example, email from: [redacted]; to: [REDACTED] and [REDACTED]; subject: FYI – Draft Paragraphs for the DCI on the Legal Issues on Interrogation, as requested by the General Counsel; date: March 14, 2003; June 26, 2003, Statement by the President, United Nations International Day in Support of Victims of Torture, http://www.whitehouse.gov/news/releases/2003/06/20030626-3.htm; email from: John Rizzo; to: John Moseman, [redacted]; cc: Buzzy Krongard, Scott Muller, William Harlow; subject: Today's Washington Post Piece on Administration Detainee Policy; date: June 27, 2003; July 3, 2003, Memorandum for National Security Advisor from Director of Central Intelligence George J. Tenet, Subject: Reaffirmation of the Central Intelligence Agency's Interrogation Program.

"enhanced" interrogation technique, while sleep deprivation under 72 hours was defined as a "standard" CIA interrogation technique. To avoid using an "enhanced" interrogation technique, CIA officers subjected Khallad bin Attash to 70 hours of standing sleep deprivation, two hours less than the maximum. After allowing him four hours of sleep, bin Attash was subjected to an additional 23 hours of standing sleep deprivation, followed immediately by 20 hours of seated sleep deprivation.[692]

(~~TS//~~ [redacted] ~~//NF~~) Unlike during most of the CIA's interrogation program, during the time that CIA Headquarters was seeking policy reaffirmation, the CIA responded to infractions in the interrogation program as reported through CIA cables and other communications. Although [redacted], the chief of the interrogations program in RDG, does not appear to have been investigated or reprimanded for training interrogators on the abdominal slap before its use was approved,[693] training significant numbers of new interrogators to conduct interrogations on potentially compliant detainees,[694] or conducting large numbers of water dousing on detainees without requesting or obtaining authorization;[695] the CIA removed his certification to conduct interrogations in late July 2003 for placing a broom handle behind the knees of a detainee while that detainee was in a stress position.[696] CIA Headquarters also decertified two other interrogators, [redacted] [CIA OFFICER 1] and [redacted], in the same period, although there are no official records of why those decertifications occurred.[697]

2. *The CIA Provides Inaccurate Information to Select Members of the National Security Council, Represents that "Termination of This Program Will Result in Loss of Life, Possibly Extensive"; Policymakers Reauthorize Program*

(~~TS//~~ [redacted] ~~//NF~~) On July 29, 2003, DCI Tenet and CIA General Counsel Muller attended a meeting with Vice President Cheney, National Security Advisor Rice, Attorney General Ashcroft, and White House Counsel Gonzales, among others, seeking policy

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[692] Bin Attash has one leg, which swelled during standing sleep deprivation, resulting in the transition to seated sleep deprivation. He was also subjected to nudity and dietary manipulation during this period. *See* [redacted] 12371 (212121Z JUL 03); [redacted] 12385 (222045Z JUL 03); and [redacted] 12389 (232040Z JUL 03).

[693] HVT Training and Curriculum, November 2, 2002, at 17.

[694] HVT Training and Curriculum, November 2, 2002, at 17.

[695] *See*, for example, [redacted] 10168 (092130Z JAN 03); Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], April 7, 2003; CIA Office of Inspector General, Special Review: Counterterrorism Detention and Interrogation Activities (September 2001 - October 2003) (2003-7123-IG), May 7, 2004; [redacted] 10168 (092130Z JAN 03); [redacted] 34098 [redacted] 34179 (262200Z FEB 03); [redacted] 34294 [redacted]; [redacted] 34310 [redacted] [redacted] 34757 (101742Z MAR 03); and 35025 (161321Z MAR 03).

[696] April 7, 2005, Briefing for Blue Ribbon Panel: CIA Rendition, Detention, and Interrogation Programs at 22; Memorandum for Chief, [redacted], via [redacted] CTC Legal from Chief, CTC/RDG, July 28, 2003, Subject: Decertification of former Interrogator. Document not signed by [redacted] because he was "not available for signature."

[697] *See* Memorandum for Chief, [redacted], via [redacted] CTC Legal from Chief, CTC/RDG, July 28, 2003, Subject: Decertification of former Interrogator, signed by [redacted] [CIA OFFICER 1] on July 29, 2003; and April 7, 2005, Briefing for Blue Ribbon Panel: CIA Rendition, Detention, and Interrogation Programs at 22; Memorandum for Chief, [redacted], via [redacted] CTC Legal from Chief, CTC/RDG, July 28, 2003, Subject: Decertification of former Interrogator.

reaffirmation of its coercive interrogation program. The presentation included a list of the CIA's standard and enhanced interrogation techniques. CIA General Counsel Muller also provided a description of the waterboard interrogation technique, including the inaccurate representation that it had been used against KSM 119 times and Abu Zubaydah 42 times.[698] The presentation warned National Security Council principals in attendance that "termination of this program will result in loss of life, possibly extensive." The CIA officers further noted that 50 percent of CIA intelligence reports on al-Qaida were derived from detainee reporting, and that "major threats were countered and attacks averted" because of the use of the CIA's enhanced interrogation techniques. The CIA provided specific examples of "attacks averted" as a result of using the CIA's enhanced interrogation techniques, including references to the U.S. Consulate in Karachi, the Heathrow Plot, the Second Wave Plot, and Iyman Faris.[699] As described later in this summary, and in greater detail in Volume II, these claims were inaccurate. After the CIA's presentation, Vice President Cheney stated, and National Security Advisor Rice agreed, that the CIA was executing Administration policy in carrying out its interrogation program.[700]

(~~TS//[redacted]//NF~~) The National Security Council principals at the July 2003 briefing initially concluded it was "not necessary or advisable to have a full Principals Committee meeting to review and reaffirm the Program."[701] A CIA email noted that the official reason for not having a full briefing was to avoid press disclosures, but added that:

> "it is clear to us from some of the runup meetings we had with [White House] Counsel that the [White House] is extremely concerned [Secretary of State]

[698] CIA records indicate that KSM received at least 183 applications of the waterboard technique, and that Abu Zubaydah received at least 83 applications of the waterboard technique. In April 2003, CIA Inspector General John Helgerson asked General Counsel Scott Muller about the repetitious use of the waterboard. In early June 2003, White House Counsel Alberto Gonzales and the Vice President's Counsel, David Addington, who were aware of the inspector general's concerns, asked Muller whether the number of waterboard repetitions had been too high in light of the OLC guidance. This question prompted Muller to seek information on the use of the waterboard on Abu Zubaydah and KSM. (*See* interview of Scott Muller, by [REDACTED], [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 20, 2003; and email from: Scott Muller; to: John Rizzo; cc: [redacted], [redacted], [REDACTED], [redacted], [REDACTED]; subject: "Report from Gitmo trip (Not proofread, as usual)"; date: June [redacted], 2003, 05:47 PM.) As Muller told the OIG, he could not keep up with cable traffic from CIA detainee interrogations and instead received monthly briefings. According to OIG records of the interview, Muller "said he does not know specifically how [CIA guidelines on interrogations] changed because he does not get that far down into the weeds," and "each detainee is different and those in the field have some latitude." (*See* interview of Scott Muller, Office of the Inspector General, August 20, 2003.) Despite this record and others detailed in the full Committee Study, the CIA's June 2013 Response asserts that the CIA's "confinement conditions and treatment of high profile detainees like Abu Zubaydah were closely scrutinized at all levels of management from the outset."

[699] August 5, 2003 Memorandum for the Record from Scott Muller, Subject: Review of Interrogation Program on 29 July 2003; Briefing slides, CIA Interrogation Program, July 29, 2003.

[700] August 5, 2003, Memorandum for the Record from Scott Muller, Subject: Review of the Interrogation Program on 29 July 2003. A briefing slide describing the "Pros" and "Cons" associated with the program listed the following under the heading "Con": (1) "Blowback due to public perception of 'humane treatment,'" (2) "ICRC continues to attack USG policy on detainees," and (3) "Congressional inquiries continue." *See* Volume II for additional details.

[701] August 5, 2003, Memorandum for the Record from Scott Muller, Subject: Review of Interrogation Program,July 29, 2003.

Powell would blow his stack if he were to be briefed on what's been going on."[702]

(~~TS//~~ [redacted] ~~//NF~~) National Security Advisor Rice, however, subsequently decided that Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld should be briefed on the CIA interrogation program prior to recertification of the covert action.[703] As described, both were then formally briefed on the CIA program for the first time in a 25 minute briefing on September 16, 2003.[704]

(~~TS//~~ [redacted] ~~//NF~~) On September 4, 2003, CIA records indicate that CIA officials may have provided Chairman Roberts, Vice Chairman Rockefeller, and their staff directors a briefing regarding the Administration's reaffirmation of the program.[705] Neither the CIA nor the Committee has a contemporaneous report on the content of the briefing or any confirmation that the briefing occurred.

K. Additional Oversight and Outside Pressure in 2004: ICRC, Inspector General, Congress, and the U.S. Supreme Court

1. *ICRC Pressure Leads to Detainee Transfers; Department of Defense Official Informs the CIA that the U.S. Government "Should Not Be in the Position of Causing People to Disappear"; the CIA Provides Inaccurate Information on CIA Detainee to the Department of Defense*

(~~TS//~~ [redacted] ~~//NF~~) In January 2004, the ICRC sent a letter to [redacted] indicating that it was aware that the United States Government was holding unacknowledged detainees in several facilities in Country [redacted] "incommunicado for extensive periods of time, subjected to unacceptable conditions of internment, to ill treatment and torture, while deprived of any possible recourse."[706] According to the CIA, the letter included a "fairly complete list" of CIA detainees to whom the ICRC had not had access.[707] This prompted CIA Headquarters to conclude that it was necessary to reduce the number of detainees in CIA custody.[708] The CIA subsequently transferred at least 25 of its detainees in Country [redacted] to the U.S. military and foreign governments. The CIA also released five detainees.[709]

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[702] Email from: John Rizzo; to: [redacted]; subject: Rump PC on interrogations; date: July 31, 2003.
[703] August 5, 2003, Memorandum for the Record from Scott Muller, Subject: Review of Interrogation Program, July 29, 2003.
[704] September 26, 2003, CIA Memorandum for the Record from Muller, Subject: CIA Interrogation Program.
[705] September 4, 2003, CIA Memorandum for the Record, Subject: Member Briefing.
[706] January 6, 2004, Letter from [redacted].
[707] HEADQUARTERS [redacted]
[708] HEADQUARTERS [redacted] 1603 [redacted]
[709] *See*, for example, DIRECTOR [redacted]; DIRECTOR [redacted] 1696 [redacted]; DIRECTOR [redacted]; HEADQUARTERS [redacted] 2308 [redacted]; HEADQUARTERS [redacted] 2335 [redacted] 1001

(~~TS//[redacted]//NF~~) The CIA provided a factually incorrect description to the Department of Defense concerning one of the 18 CIA detainees transferred to U.S. military custody in March 2004. The transfer letter described CIA detainee Ali Jan as "the most trusted bodyguard of Jaluluddin Haqqani (a top AQ target of the USG)" who was captured in the village of [redacted] on June [redacted], 2002.[710] Although there was an individual named Ali Jan captured in the village of [redacted] on June [redacted], 2002,[711] CIA records indicate that he was not the detainee being held by the CIA in the Country [redacted] facility. The Ali Jan in CIA custody was apprehended circa early August 2003, during the U.S. military operation [redacted] in Zormat Valley, Paktia Province, Afghanistan.[712] CIA records indicate that Ali Jan was transferred to CIA custody after his satellite phone rang while he was in military custody, and the translator indicated the caller was speaking in Arabic.[713] After his transfer to U.S. military custody, Ali Jan was eventually released on July [redacted], 2004.[714]

(~~TS//[redacted]//NF~~) In response to the ICRC's formal complaint about detainees being kept in Country [redacted] without ICRC access, State Department officials met with senior ICRC officials in Geneva, and indicated that it was U.S. policy to encourage all countries to provide ICRC access to detainees, including Country [redacted].[715] While the State Department made these official representations to the ICRC, the CIA was repeatedly directing the same country to deny the ICRC access to the CIA detainees. In June 2004, the secretary of state ordered the U.S. ambassador in that country to deliver a demarche, "in essence demanding [the country] provide full access to all [country [redacted]] detainees," which included detainees being held at the CIA's behest.[716] These conflicting messages from the United States Government, as well as increased ICRC pressure on the country for failing to provide access, created significant tension between the United States and the country in question.[717]

(~~TS//[redacted]//NF~~) Later that year, in advance of a National Security Council Principals Committee meeting on September 14, 2004, officials from the Department of Defense called the CIA to inform the CIA that Deputy Secretary of Defense Paul Wolfowitz would not support the CIA's position that notifying the ICRC of all detainees in U.S. Government custody would harm U.S. national security. According to an internal CIA email following the call, the deputy secretary of defense had listened to the CIA's arguments for nondisclosure, but believed that it was time for full notification. The email stated that the Department of Defense supported the U.S. Government's position that there should be full disclosure to the ICRC, unless there were compelling reasons of military necessity or national security. The email added that the

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[710] March 4, 2004, Letter from Jose Rodriguez, Director, DCI Counterterrorist Center to Thomas O'Connell, Assistant Secretary of Defense, Special Operations/Low Intensity Conflict.

[711] *See* [redacted] 180219 [redacted]

[712] [redacted] 2296 (101709Z [redacted] 04)

[713] [redacted] 2296 (101709Z [redacted] 04)

[714] Details in June 13, 2005, Letter to ICRC, responding to 2004 ICRC *note verbale*.

[715] [redacted] 2348 [redacted]

[716] HEADQUARTERS [redacted]. During this same period, countries whose nationals were in CIA custody were issuing demarches. [redacted] issued a demarche to Country [redacted] in [redacted] 2004, and [redacted] issued a demarche to the U.S. in [redacted] 2004. *See* [redacted] 2274 [redacted] 92037, and 93291 [redacted]

[717] For more information, *see* Volume I.

Department of Defense did not believe an adequate articulation of military necessity or national security reasons warranting nondisclosure existed, that "DoD is tired of 'taking hits' for CIA 'ghost detainees,'" and that the U.S. government "should not be in the position of causing people to 'disappear.'"[718]

(~~TS//~~ [redacted] ~~//NF~~) Despite numerous meetings and communications within the executive branch throughout 2004, the United States did not formally respond to the January 6, 2004, ICRC letter until June 13, 2005.[719]

2. *CIA Leadership Calls Draft Inspector General Special Review of the Program "Imbalanced and Inaccurate," Responds with Inaccurate Information; CIA Seeks to Limit Further Review of the CIA's Detention and Interrogation Program by the Inspector General*

(~~TS//~~ [redacted] ~~//NF~~) The CIA's Office of the Inspector General (OIG) was first informed of the CIA's Detention and Interrogation Program in November 2002, nine months after Abu Zubaydah became the CIA's first detainee. As described, the information was conveyed by the DDO, who also informed the OIG of the death of Gul Rahman. In January 2003, the DDO further requested that the OIG investigate allegations of unauthorized interrogation techniques against 'Abd al-Rahim al-Nashiri. Separately, the OIG "received information that some employees were concerned that certain covert Agency activities at an overseas detention and interrogation site might involve violations of human rights," according to the OIG's Special Review.[720]

(~~TS//~~ [redacted] ~~//NF~~) During the course of the OIG's interviews, numerous CIA officers expressed concerns about the CIA's lack of preparedness for the detention and interrogation of Abu Zubaydah.[721] Other CIA officers expressed concern about the analytical assumptions driving interrogations,[722] as well as the lack of language and cultural background among

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[718] Email from: [REDACTED]; to: John Rizzo, [REDACTED]; cc: [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [redacted], Jose Rodriguez, John P. Mudd, [REDACTED], [REDACTED], [REDACTED]; subject: DoD's position on ICRC notification; date: September 13, 2004.

[719] June 13, 2005, Letter to ICRC, responding to 2004 ICRC *note verbale*.

[720] Special Review, Counterterrorism Detention and Interrogation Activities (September 2001 – October 2003) (2003-7123-IG), 7 May 2004, (DTS #2004-2710).

[721] The chief of Station in the country that hosted the CIA's first detention site told the OIG that "[t]he Reports Officers did not know what was required of them, analysts were not knowledgeable of the target, translators were not native Arab speakers, and at least one of the [chiefs of Base] had limited field experience." *See* Interview report of [REDACTED], Office of the Inspector General, May 20, 2003. According to [redacted] of CTC Legal, there was no screening procedure in place for officers assigned to DETENTION SITE GREEN. *See* interview of [redacted], by [REDACTED] and [REDACTED, Office of the Inspector General, February 14, 2003. *See also* interview of [redacted], Office of the Inspector General, March 24, 2003.

[722] In addition to the statements to the OIG described above, regarding the interrogation of Abu Zubaydah, CIA officers expressed more general concerns. As [redacted] noted, the assumptions at CIA Headquarters that Abu Zubaydah "knew everything about Al-Qa'ida, including details of the next attack" reflected how "the 'Analyst vs. Interrogator' issue ha[d] been around from 'day one.'" (*See* interview of [redacted], Office of the Inspector General, February 27, 2003.) According to Chief of Interrogations [redacted], subject matter experts often provided interrogation requirements that were "not valid or well thought out," providing the example of Mustafa al-Hawsawi. (*See* interview of [redacted], Office of the Inspector General, April 7, 2003.) Senior CIA

members of the interrogation teams.[723] Some CIA officers described pressure from CIA Headquarters to use the CIA's enhanced interrogation techniques, which they attributed to faulty analytical assumptions about what detainees should know.[724] As the chief of RDG, [redacted], stated to the OIG in a February 2003 interview:

> "CTC does not know a lot about al-Qa'ida and as a result, Headquarters analysts have constructed 'models' of what al-Qa'ida represents to them. [redacted] noted that the Agency does not have the linguists or subject matter experts it needs. The questions sent from CTC/Usama bin Laden (UBL) to the interrogators are based on SIGINT [signals intelligence] and other intelligence that often times is incomplete or wrong. When the detainee does not respond to the question, the assumption at Headquarters is that the detainee is holding back and 'knows' more, and consequently, Headquarters recommends resumption of EITs. This difference of opinion between the interrogators and Headquarters as to whether the detainee is 'compliant' is the type of ongoing pressure the interrogation team is exposed to. [redacted] believes the waterboard was used 'recklessly' – 'too many times' on Abu Zubaydah at [DETENTION SITE GREEN], based in part on faulty intelligence."[725]

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interrogator [redacted] told the OIG that interrogators "suffered from a lack of substantive requirements from CIA Headquarters," and that "in every case so far, Headquarters' model of what the detainee should know is flawed." [redacted] told the OIG that "I do not want to beat a man up based on what Headquarters says he should know," commenting that, "I want my best shot on something he (the detainee) knows, not a fishing expedition on things he should know." (*See* interview of [redacted], Office of the Inspector General, April 30, 2003.) Two interviewees told the OIG that requirements were sometimes based on inaccurate or improperly translated intercepts. *See* interview of interrogator [redacted], Office of the Inspector General, March 24, 2003; Interview of [redacted] [former chief of Station in the country that hosted the CIA's first detention site], Office of the Inspector General, May 29, 2003.

[723] One interviewee noted that several interrogators with whom he had worked insisted on conducting interrogations in English to demonstrate their dominance over the detainee. (*See* interview report of [redacted], Office of the Inspector General, March 17, 2003.) The CIA's June 2013 Response acknowledges that "[t]he program continued to face challenges in identifying sufficient, qualified staff -- particularly language-qualified personnel -- as requirements imposed by Agency involvement in Iraq increased."

[724] According to [redacted] of CTC Legal, "[t]he seventh floor [CIA leadership] can complicate the process because of the mindset that interrogations are the silver bullet [and CIA leadership is] expecting immediate results." (*See* interview of [redacted], Office of the Inspector General, February 14, 2003.) Senior Interrogator [redacted] provided the example of Khallad bin Attash, who, he told the OIG, was determined by the chief of Base at DETENTION SITE BLUE not to "warrant" the CIA's enhanced interrogation techniques. According to [redacted], debriefer [redacted] called ALEC Station and told them to "go to the mat" in advocating for the use of the CIA's enhanced interrogation techniques, claiming that bin Attash was holding back information. (*See* interview of [redacted], Office of the Inspector General, April 30, 2003.) [redacted] described the "inherent tension that occasionally exists between officers at the interrogation facilities and those at Headquarters who view the detainees are withholding information." [redacted] provided the example of Abu Yassir al-Jaza'iri. (*See* interview of [redacted], Office of the Inspector General, May 8, 2003.) [redacted] also described disagreements on whether to subject detainees to the CIA's enhanced interrogation techniques as a "field versus Headquarters issue." (*See* interview of [redacted], Office of the Inspector General, August 18, 2003.) As described, interviewees also described pressure from CIA Headquarters related to the interrogations of KSM and Abu Zubaydah.

[725] Interview of [redacted], Office of the Inspector General, February 21, 2003.

(~~TS//~~ [redacted] ~~//NF~~) One senior interrogator, [redacted], informed the OIG that differences between CIA Headquarters and the interrogators at the CIA detention sites were not part of the official record. According to [redacted], "all of the fighting and criticism is done over the phone and is not put into cables," and that CIA "[c]ables reflect things that are 'all rosy.'"[726]

(~~TS//~~ [redacted] ~~//NF~~) As is described elsewhere, and reflected in the final OIG Special Review, CIA officers discussed numerous other topics with the OIG, including conditions at DETENTION SITE COBALT, specific interrogations, the video taping of interrogations, the administration of the program, and concerns about the lack of an "end game" for CIA detainees, as well as the impact of possible public revelations concerning the existence and operation of the CIA's Detention and Interrogation Program.[727]

(~~TS//~~ [redacted] ~~//NF~~) In January 2004, the CIA inspector general circulated for comment to various offices within the CIA a draft of the OIG Special Review of the CIA's Detention and Interrogation Program. Among other matters, the OIG Special Review described divergences between the CIA's enhanced interrogation techniques as applied and as described to the Department of Justice in 2002, the use of unauthorized techniques, and oversight problems related to DETENTION SITE COBALT. The draft OIG Special Review elicited responses from the CIA's deputy director for operations, the deputy director for science and technology, the Office of General Counsel, and the Office of Medical Services. Several of the responses—particularly those from CIA General Counsel Scott Muller and CIA Deputy Director for Operations James Pavitt—were highly critical of the inspector general's draft Special Review. General Counsel Muller wrote that the OIG Special Review presented "an imbalanced and inaccurate picture of the Counterterrorism Detention and Interrogation Program," and claimed the OIG Special Review, "[o]n occasion," "quoted or summarized selectively and misleadingly" from CIA documents.[728] Deputy Director for Operations James Pavitt wrote that the OIG Special Review should have come to the "conclusion that our efforts have thwarted attacks and saved lives," and that "EITs (including the water board) have been indispensable to our successes." Pavitt attached to his response a document describing information the CIA obtained "as a result of the lawful use of EITs" that stated, "[t]he evidence points clearly to the fact that without the use of such techniques, we and our allies would [have] suffered major terrorist

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[726] Interview of [redacted], Office of the Inspector General, April 30, 2003.

[727] DDO Pavitt described possible public revelations related to the CIA's Detention and Interrogation Program as "the CIA's worst nightmare." Interview of James Pavitt, Office of the Inspector General, September 21, 2003. According to OIG records of an interview with DCI Tenet, "Tenet believes that if the general public were to find out about this program, many would believe we are torturers." Tenet added, however, that his "only potential moral dilemma would be if more Americans die at the hands of terrorists and we had someone in our custody who possessed information that could have prevented deaths, but we had not obtained such information." *See* interview of George Tenet, Office of the Inspector General, memorandum dated, September 8, 2003.

[728] *See* CIA Memorandum from Scott W. Muller, General Counsel, to Inspector General re Interrogation Program Special Review, dated February 24, 2004 (2003-7123-IG).

attacks involving hundreds, if not thousands, of casualties."[729] A review of CIA records found that the representations in the Pavitt materials were almost entirely inaccurate.[730]

(~~TS//~~[redacted]~~//NF~~) In addition to conveying inaccurate information on the operation, management, and effectiveness of the CIA program, CIA leadership continued to impede the OIG in its efforts to oversee the program. In July 2005, Director Goss sent a memorandum to the inspector general to "express several concerns regarding the in-depth, multi-faceted review" of the CIA's CTC. The CIA director wrote that he was "increasingly concerned about the cumulative impact of the OIG's work on CTC's performance," adding that "I believe it makes sense to complete existing reviews… before opening new ones." Director Goss added, "[t]o my knowledge, Congress is satisfied that you are meeting its requirements" with regard to the CIA's Detention and Interrogation Program.[731] At the time, however, the vice chairman of the Senate Select Committee on Intelligence was seeking a Committee investigation of the CIA program, in part because of the aspects of the program that were not being investigated by the Office of Inspector General.[732] In April 2007, CIA Director Michael Hayden had his "Senior Councilor"—an individual within the CIA who was accountable only to the CIA director—conduct a review of the inspector general's practices. Defending the decision to review the OIG, the CIA told the Committee that there were "morale issues that the [CIA] director needs to be mindful of," and that the review had uncovered instances of "bias" among OIG personnel against the CIA's Detention and Interrogation Program.[733] In 2008, the CIA director announced the results of his review of the OIG to the CIA work force and stated that the inspector general had "chosen to take a number of steps to heighten the efficiency, assure the quality, and increase the transparency of the investigative process."[734]

3. *The CIA Does Not Satisfy Inspector General Special Review Recommendation to Assess the Effectiveness of the CIA's Enhanced Interrogation Techniques*

(~~TS//~~[redacted]~~//NF~~) The final May 2004 OIG Special Review included a recommendation that the CIA's DDO conduct a study of the effectiveness of the CIA's interrogation techniques within 90 days. Prompted by the recommendation, the CIA tasked two senior CIA officers to lead "an informal operational assessment of the CIA detainee program." The reviewers were tasked with responding to 12 specific terms of reference, including an assessment of "the effectiveness of each interrogation technique and environmental deprivation"

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[729] Memorandum to the Inspector General from James Pavitt, CIA's Deputy Director for Operations, dated February 27, 2004, with the subject line, "Comments to Draft IG Special Review, 'Counterterrorism Detention and Interrogation Program' (2003-7123-IG)," Attachment, "Successes of CIA's Counterterrorism Detention and Interrogation Activities," dated February 24, 2004.

[730] For additional information, *see* Volume II.

[731] July 21, 2005, Memorandum for Inspector General from Porter J. Goss, Director, Central Intelligence Agency re: New IG Work Impacting the CounterTerrorism Center.

[732] Transcript of business meeting, April 14, 2005 (DTS #2005-2810).

[733] Committee Memorandum for the Record, "Staff Briefing with Bob Deitz on his Inquiry into the Investigative Practices of the CIA Inspector General," October 17, 2007 (DTS #2007-4166); Committee Memorandum for the Record, "Notes from Meetings with John Helgerson and Bob Deitz in late 2007 and early 2008" (DTS #2012 4203); Committee Memorandum for the Record, "Staff Briefing with CIA Inspector General John Helgerson" (DTS #2007-4165).

[734] Letter from DCIA Michael Hayden to Senator John D. Rockefeller IV, January 29, 2008 (DTS #2008-0606).

to determine if any techniques or deprivation should be "added, modified, or discontinued."[735] According to a CIA memorandum from the reviewers, their review was based on briefings by CTC personnel, "a discussion with three senior CTC managers who played key roles in running the CIA detainee program," and a review of nine documents, including the OIG Special Review and an article by the CIA contractors who developed the CIA's enhanced interrogation techniques, Hammond DUNBAR and Grayson SWIGERT.[736] As described in this summary, and in more detail in Volume II, these documents contained numerous inaccurate representations regarding the operation and effectiveness of the CIA program. There are no records to indicate the two senior CIA officers reviewed the underlying interrogation cables and intelligence records related to the representations. Their resulting assessment repeated information found in the documents provided to them and reported that the "CIA Detainee Program is a success, providing unique and valuable intelligence at the tactical level for the benefit of policymakers, war fighters, and the CIA's covert action operators." The assessment also reported that regulations and procedures for handling detainees were "adequate and clear," and that the program had responded swiftly, fairly, and completely to deviations from the structured program.[737] Nonetheless, the assessment came to the conclusion that detention and interrogations activities should not be conducted by the CIA, but by "experienced U.S. law enforcement officers," stating:

> "The Directorate of Operations (DO) should not be in the business of running prisons or 'temporary detention facilities.' The DO should focus on its core mission: clandestine intelligence operations. Accordingly, the DO should continue to hunt, capture, and render targets, and then exploit them for intelligence and ops leads once in custody. The management of their incarceration and interrogation should be conducted by appropriately experienced U.S. law enforcement officers, because that is their charter and they have the training and experience."[738]

(~~TS//[redacted]//NF~~) The assessment noted that the CIA program required significant resources at a time when the CIA was already stretched thin. Finally, the authors wrote that they "strongly believe" that the president and congressional oversight members should receive a

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[735] May 12, 2004, Memorandum for Deputy Director for Operations from [redacted], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Division, via Associate Deputy Director for Operations, with the subject line, "Operational Review of CIA Detainee Program."

[736] May 12, 2004, Memorandum for Deputy Director for Operations from [redacted], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Division, via Associate Deputy Director for Operations, with the subject line, "Operational Review of CIA Detainee Program." The CIA's June 2013 Response states, "[w]e acknowledge that the Agency erred in permitting the contractors to assess the effectiveness of enhanced techniques. They should not have been considered for such a role given their financial interest in continued contracts from CIA."

[737] May 12, 2004, Memorandum for Deputy Director for Operations from [redacted], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Division, via Associate Deputy Director for Operations re Operational Review of CIA Detainee Program. For additional information, *see* Volume II.

[738] May 12, 2004, Memorandum for Deputy Director for Operations from [redacted], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Division, via Associate Deputy Director for Operations re Operational Review of CIA Detainee Program.

comprehensive update on the program, "[g]iven the intense interest and controversy surrounding the detainee issue."[739]

(~~TS//~~ [redacted] ~~//NF~~) On January 26, 2005, DCI Goss forwarded the senior officer review to Inspector General John Helgerson.[740] The DCI asked whether the review would satisfy the inspector general recommendation for an independent review of the program.[741] On January 28, 2005, the inspector general responded that the senior officer review would not satisfy the recommendation for an independent review.[742] The inspector general also responded to a concern raised by [redacted] OMS that studying the results of CIA interrogations would amount to human experimentation, stating:

> "I fear there was a misunderstanding. OIG did not have in mind doing additional, guinea pig research on human beings. What we are recommending is that the Agency undertake a careful review of its experience to date in using the various techniques and that it draw conclusions about their safety, effectiveness, etc., that can guide CIA officers as we move ahead. We make this recommendation because we have found that the Agency over the decades has continued to get itself in messes related to interrogation programs for one overriding reason: we do not document and learn from our experience – each generation of officers is left to improvise anew, with problematic results for our officers as individuals and for our Agency. We are not unaware that there are subtleties to this matter, as the effectiveness of techniques varies among individuals, over time, as administered, in combination with one another, and so on. All the more reason to document these important findings."[743]

(~~TS//~~ [redacted] ~~//NF~~) In November and December 2004, the CIA responded to National Security Advisor Rice's questions about the effectiveness of the CIA's enhanced interrogation techniques by asserting that an effectiveness review was not possible, while highlighting examples of "[k]ey intelligence" the CIA represented was obtained after the use of the CIA's enhanced interrogation techniques. The December 2004 memorandum prepared for the national security advisor entitled, "Effectiveness of the CIA Counterterrorist Interrogation Techniques," begins:

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[739] May 12, 2004 Memorandum for Deputy Director for Operations from [redacted], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Division, via Associate Deputy Director for Operations re Operational Review of CIA Detainee Program.

[740] *See* Volume I for additional information.

[741] Email from: John Helgerson; to: Porter Goss, [redacted]; cc: Jose Rodriguez, John Rizzo, [REDACTED], [REDACTED]; subject: DCI Question Regarding OIG Report; date: January 28, 2005.

[742] Email from: John Helgerson; to: Porter Goss, [redacted]; cc: Jose Rodriguez, John Rizzo, [REDACTED], [REDACTED]; subject: DCI Question Regarding OIG Report; January 28, 2005.

[743] Email from: John Helgerson; to: Porter Goss, [redacted]; cc: Jose Rodriguez, John Rizzo, [REDACTED], [REDACTED]; subject: DCI Question Regarding OIG Report; date: January 28, 2005. The CIA's June 2013 Response maintains that "[a] systematic study over time of the effectiveness of the techniques would have been encumbered by a number of factors," including "Federal policy on the protection of human subjects and the impracticability of establishing an effective control group."

> "Action Requested: None. This memorandum responds to your request for an independent study of the foreign intelligence efficacy of using enhanced interrogation techniques. There is no way to conduct such a study. What we can do, however, if [sic] set forth below the intelligence the Agency obtained from detainees who, before their interrogations, were not providing any information of intelligence [value]."[744]

(~~TS//~~ [redacted] ~~//NF~~) Under a section of the memorandum entitled, "Results," the CIA memo asserts that the "CIA's use of DOJ-approved enhanced interrogation techniques, as part of a comprehensive interrogation approach, has enabled CIA to disrupt terrorist plots [and] capture additional terrorists." The memorandum then lists examples of "[k]ey intelligence collected from HVD interrogations *after* applying interrogation techniques," which led to "disrupte[ed] terrorist plots" and the "capture [of] additional terrorists." The examples include: the "Karachi Plot," the "Heathrow Plot," "the 'Second Wave'" plotting, the identification of the "the Guraba Cell," the identification of "Issa al-Hindi," the arrest of Abu Talha al-Pakistani, "Hambali's Capture," information on Jaffar al-Tayyar, the "Dirty Bomb" plot, the arrest of Sajid Badat, and information on Shkai, Pakistan. CIA records do not indicate when, or if, this memorandum was provided to the national security advisor.[745]

(~~TS//~~ [redacted] ~~//NF~~) A subsequent CIA memorandum, dated March 5, 2005, concerning an upcoming meeting between the CIA director and the national security advisor on the CIA's progress in completing the OIG recommended review of the effectiveness of the CIA's enhanced interrogation techniques states, "we [CIA] believe this study is much needed and should be headed up by highly respected national-level political figures with widely recognized reputations for independence and fairness."[746]

(~~TS//~~ [redacted] ~~//NF~~) On March 21, 2005, the director of the CTC formally proposed the "establishment of an independent 'blue ribbon' commission… with a charter to study our EITs."[747] The CIA then began the process of establishing a panel that included [redacted] and [redacted]. Both panelists received briefings and papers from CIA personnel who participated in the CIA's Detention and Interrogation Program. [redacted] [the first panelist] wrote: "It is clear from our discussions with both DO and DI officers that the program is deemed by them to be a great success, and I would concur. The EITs, as part of the overall program, are credited with enabling the US to disrupt terrorist plots, capture additional terrorists, and collect a high volume of useful intelligence on al-Qa'ida (AQ)…. There are accounts of numerous plots against the US and the West that were revealed as a result of HVD

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[744] December 2004 CIA Memorandum to "National Security Advisor," from "Director of Central Intelligence," Subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques."
[745] December 2004 CIA Memorandum to "National Security Advisor," from "Director of Central Intelligence," Subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques." Italics in original.
[746] March 5, 2005, Talking Points for Weekly Meeting with National Security Advisor re CIA Proposal for Independent Study of the Effectiveness of CTC Interrogation Program's Enhanced Interrogation Techniques.
[747] March 21, 2005, Memorandum for Deputy Director for Operations from Robert L. Grenier, Director DCI Counterterrorism Center, re Proposal for Full Scope Independent Study of the CTC Rendition, Detention, and Interrogation Programs.

interrogations." He also observed, however, that "[n]either my background nor field of expertise particularly lend themselves to judging the effectiveness of interrogation techniques, taken individually or collectively."[748] [redacted] [the second panelist] concluded that "there is no objective way to answer the question of efficacy," but stated it was possible to "make some general observations" about the program based on CIA personnel assessments of "the quality of the intelligence provided" by CIA detainees. Regarding the effectiveness of the CIA's enhanced interrogation techniques, he wrote: "here enters the epistemological problem. We can never know whether or not this intelligence could have been extracted though alternative procedures. Spokesmen from within the organization firmly believe it could not have been."[749]

4. *The CIA Wrongfully Detains Khalid Al-Masri; CIA Director Rejects Accountability for Officer Involved*

(~~TS//~~ [redacted] ~~//NF~~) After the dissemination of the draft CIA Inspector General Special Review in early 2004, approvals from CIA Headquarters to use the CIA's enhanced interrogation techniques adhered more closely to the language of the DCI guidelines. Nonetheless, CIA records indicate that officers at CIA Headquarters continued to fail to properly monitor justifications for the capture and detention of detainees, as well as the justification for the use of the CIA's enhanced interrogation techniques on particular detainees.[750]

(~~TS//~~ [redacted] ~~//NF~~) For example, on January [redacted], 2004, the CIA rendered German citizen Khalid al-Masri to a Country [redacted] facility used by the CIA for detention purposes. The rendition was based on the determination by officers in the CIA's ALEC Station that "al-Masri knows key information that could assist in the capture of other al-Qa'ida operatives that pose a serious threat of violence or death to U.S. persons and interests and who may be planning terrorist activities."[751] The cable did not state that Khalid al-Masri himself posed a serious threat of violence or death, the standard required for detention under the September 17, 2001, Memorandum of Notification (MON).

(~~TS//~~ [redacted] ~~//NF~~) CIA debriefing cables from Country [redacted] on January 27, 2004, and January 28, 2004, note that Khalid al-Masri "seemed bewildered on why he has been sent to this particular prison,"[752] and was "adamant that [CIA] has the wrong person."[753] Despite doubts from CIA officers in Country [redacted] about Khalid al-Masri's links to terrorists, and RDG's concurrence with those doubts, different components within the CIA disagreed on the process for his release.[754] As later described by the CIA inspector general, officers in ALEC Station continued to think that releasing Khalid al-Masri would pose a threat to U.S. interests and that

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[748] September 2, 2005 Memorandum from [redacted] to Director Porter Goss, CIA re Assessment of EITs Effectiveness. For additional information, *see* Volume II.

[749] September 23, 2005 Memorandum from [redacted] to the Honorable Porter Goss, Director, Central Intelligence Agency re Response to Request from Director for Assessment of EIT Effectiveness. For additional information, *see* Volume II.

[750] For additional information, *see* Volume III.

[751] [redacted] 1658 [redacted] JAN 04); ALEC [redacted] JAN 04)

[752] [redacted] 54305

[753] [redacted] 54301

[754] [redacted] 1871 [redacted]; HEADQUARTERS [redacted] (0223412 APR 04)

monitoring should be required, while those in the CIA's [redacted] Division did not want to notify the German government about the rendition of a German citizen.[755] Because of the significance of the dispute, the National Security Council settled the matter, concluding that al-Masri should be repatriated and that the Germans should be told about al-Masri's rendition.[756]

(~~TS//[redacted]//NF~~) On May [redacted], 2004, Khalid al-Masri was transferred from Country [redacted] to [redacted].[757] After al-Masri arrived in [redacted], CIA officers released him and sent him toward a fake border crossing, where the officers told him he would be sent back to Germany because he had entered [redacted] illegally.[758] At the time of his release, al-Masri was provided 14,500 Euros,[759] as well as his belongings.[760]

(~~TS//[redacted]//NF~~) On July 16, 2007, the CIA inspector general issued a Report of Investigation on the rendition and detention of Khalid al-Masri, concluding that "[a]vailable intelligence information did not provide a sufficient basis to render and detain Khalid al-Masri," and that the "Agency's prolonged detention of al-Masri was unjustified."[761] On October 9, 2007, the CIA informed the Committee that it "lacked sufficient basis to render and detain al-Masri," and that the judgment by operations officers that al-Masri was associated with terrorists who posed a threat to U.S. interests "was not supported by available intelligence." The CIA director nonetheless decided that no further action was warranted against [redacted], then the deputy chief of ALEC Station, who advocated for al-Masri's rendition, because "[t]he Director strongly believes that mistakes should be expected in a business filled with uncertainty and that, when they result from performance that meets reasonable standards, CIA leadership must stand behind the officers who make them." The notification also stated that "with regard to counterterrorism operations in general and the al-Masri matter in particular, the Director believes the scale tips decisively in favor of accepting mistakes that over connect the dots against those that under connect them."[762]

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[755] CIA Office of Inspector General, Report of Investigation, The Rendition and Detention of German Citizen Khalid al-Masri (2004-7601-IG), July 16, 2007.

[756] CIA Office of Inspector General, Report of Investigation, The Rendition and Detention of German Citizen Khalid al-Masri (2004-7601-IG), July 16, 2007.

[757] [redacted] 2507 [redacted]

[758] [redacted] 42655 [redacted]

[759] Using May 2004 exchange rates, this amounted to approximately $17,000.

[760] [redacted] 42655 [redacted]

[761] CIA Office of Inspector General, Report of Investigation, The Rendition and Detention of German Citizen Khalid al-Masri (2004-7601-IG), July 16, 2007.

[762] Referring to [redacted] and a second CTC officer named in the OIG's Report of Investigation, the notification to Congress stated that the director "does not believe that… the performance of the two named CTC officers fall below a reasonable level of professionalism, skill, and diligence as defined in CIA's Standard for Employee Accountability." The notification also stated that there was a "high threat environment" at the time of the rendition, which "was essentially identical to the one in which CTC employees, including the two in question here, previously had been sharply criticized for not connecting the dots prior to 9/11." The notification acknowledged "an insufficient legal justification, which failed to meet the standard prescribed in the [MON]," and referred to the acting general counsel the task of assessing legal advice and personal accountability. Based on recommendations from the inspector general, the CIA "developed a template for rendition proposals that makes clear what information is required, including the intelligence basis for that information." (*See* Congressional notification, with the subject, "CIA Response to OIG Investigation Regarding the Rendition and Detention of German Citizen Khalid al Masri," dated October 9, 2007 (DTS #2007-4026).) The last CIA detainee, Muhammad Rahim, had already been rendered to CIA custody by the time of this notification. The CIA's June 2013 Response points to a review of analytical

5. *Hassan Ghul Provides Substantial Information—Including Information on a Key UBL Facilitator—Prior to the CIA's Use of Enhanced Interrogation Techniques*

(~~TS//[redacted]//NF~~) [redacted] foreign authorities captured Hassan Ghul in the Iraqi Kurdistan Region on January [redacted], 2004.[763] After his identity was confirmed on January [redacted], 2004,[764] Ghul was rendered from U.S. military custody to CIA custody at DETENTION SITE COBALT on January [redacted], 2004.[765] The detention site interrogators, who, according to CIA records, did not use the CIA's enhanced interrogation techniques on Ghul, sent at least 21 intelligence reports to CIA Headquarters based on their debriefings of Hassan Ghul from the two days he spent at the facility.[766]

(~~TS//[redacted]//NF~~) As detailed in this summary, and in greater detail in Volume II, CIA records indicate that the most accurate CIA detainee reporting on the facilitator who led to Usama bin Laden (UBL) was acquired from Hassan Ghul—prior to the use of the CIA's enhanced interrogation techniques.[767] Ghul speculated that "UBL was likely living in [the]

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training arising out of the al-Masri rendition, but states that, "[n]onetheless, we concede that it is difficult in hindsight to understand how the Agency could make such a mistake, take too long to correct it, determine that a flawed legal interpretation contributed, and in the end only hold accountable three CTC attorneys, two of whom received only an oral admonition."

[763] [redacted] 21753 [redacted]; HEADQUARTERS [redacted] JAN 04)

[764] HEADQUARTERS [redacted] JAN 04). The CIA confirmed that the individual detained matched the biographical data on Hassan Ghul. Khalid Shaykh Muhammad and Khallad bin Attash confirmed that a photo provided was of Ghul. *See* [redacted] 1260 [redacted] JAN 04).

[765] [redacted] 1642 [redacted] JAN 04); DIRECTOR [redacted] JAN 04)

[766] [redacted] 54194 [redacted] JAN 04); [redacted] 1644 [redacted] JAN 04), later released as HEADQUARTERS [redacted] JAN 04); [redacted] 1645 [redacted] JAN 04), later released as HEADQUARTERS [redacted] JAN 04); [redacted] 1646 [redacted] JAN 04), later released as HEADQUARTERS [redacted] JAN 04); [redacted] 1647 [redacted] JAN 04), later released as HEADQUARTERS [redacted] JAN 04); [redacted] CIA [redacted] FEB 04); [redacted] 1650 [redacted] JAN 04); [redacted] 1651 [redacted] JAN 04); [redacted] 1652 [redacted] JAN 04), later released as [redacted] DIRECTOR [redacted] JAN 04); [redacted] 1654 [redacted] JAN 04); [redacted] 1655 [redacted] JAN 04), later released as [redacted] CIA [redacted] FEB 04); [redacted] 1657 [redacted] JAN 04); [redacted] 1677 [redacted] JAN 04); [redacted] 1679 [redacted] JAN 04); [redacted] 1680 [redacted] JAN 04); [redacted] 1681 [redacted] JAN 04), later released as [redacted] CIA [redacted] FEB 04); [redacted] 1685 [redacted] JAN 04), later released as [redacted] CIA [redacted] 1687 [redacted] JAN 04), later released as [redacted] CIA [redacted] FEB 04); [redacted] 1688 [redacted] JAN 04), later released as [redacted] CIA [redacted] FEB 04); [redacted] 1690 [redacted] JAN 04); [redacted] 1656 [redacted] JAN 04); [redacted] 1678 [redacted] JAN 04)

[767] As the dissemination of 21 intelligence reports suggests, information in CIA records indicates Hassan Ghul was cooperative prior to being subjected to the CIA's enhanced interrogation techniques. In an interview with the CIA Office of Inspector General, a CIA officer familiar with Ghul's initial interrogations stated, "He sang like a tweetie bird. He opened up right away and was cooperative from the outset." (*See* December 2, 2004, interview with [REDACTED], Chief, DO, CTC UBL Department, [redacted].) CIA records reveal that Ghul's information on Abu Ahmad al-Kuwaiti was disseminated while Ghul was at DETENTION SITE COBALT, prior to the initiation of the CIA's enhanced interrogation techniques. On April 16, 2013, the Council on Foreign Relations hosted a forum in relation to the screening of the film, "Manhunt." The forum included former CIA officer Nada Bakos, who states in the film that Hassan Ghul provided the critical information on Abu Ahmad al-Kuwaiti to Kurdish officials prior to entering CIA custody. When asked about the interrogation techniques used by the Kurds,

Peshawar area," and that "it was well known that he was always with Abu Ahmed [al-Kuwaiti]."[768] Ghul described Abu Ahmad al-Kuwaiti as UBL's "closest assistant,"[769] who couriered messages to al-Qa'ida's chief of operations, and listed al-Kuwaiti as one of three individuals likely with UBL.[770] Ghul further speculated that:

> "UBL's security apparatus would be minimal, and that the group likely lived in a house with a family somewhere in Pakistan…. Ghul speculated that Abu Ahmed likely handled all of UBL's needs, including moving messages out to Abu Faraj [al-Libi]…."[771]

(~~TS//[redacted]//NF~~) During this same period, prior to the use of the CIA's enhanced interrogation techniques, Ghul provided information related to Abu Musab al-Zarqawi, Abu Faraj al-Libi (including his role in delivering messages from UBL), Jaffar al-Tayyar, 'Abd al-Hadi al-Iraqi, Hamza Rabi'a, Shaik Sa'id al-Masri, Sharif al-Masri, Abu 'Abd al-Rahman al-Najdi, Abu Talha al-Pakistani, and numerous other al-Qa'ida operatives. He also provided information on the locations, movements, operational security, and training of al-Qa'ida leaders living in Shkai, Pakistan, as well as on the visits of other leaders and operatives to Shkai.[772] Ghul's reporting on Shkai, which was included in at least 16 of the 21 intelligence reports,[773] confirmed earlier reporting that the Shkai valley served as al-Qa'ida's command and control center after the group's 2001 exodus from Afghanistan.[774] Notwithstanding these facts, in March

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Bakos stated: "…honestly, Hassan Ghul…when he was being debriefed by the Kurdish government, he literally was sitting there having tea. He was in a safe house. He wasn't locked up in a cell. He wasn't handcuffed to anything. He was—he was having a free flowing conversation. And there's—you know, there's articles in Kurdish papers about sort of their interpretation of the story and how forthcoming he was." (*See* www.cfr.org/counterterrorism/film-screening-manhunt/p30560.) Given the unusually high number of intelligence reports disseminated in such a short time period, and the statements of former CIA officer Bakos, the Committee requested additional information from the CIA on Ghul's interrogation prior to entering CIA custody. The CIA wrote on October 25, 2013: "We have not identified any information in our holdings suggesting that Hassan Gul first provided information on Abu Ahmad while in [foreign] custody." No information was provided on Hassan Ghul's intelligence reporting while in U.S. military detention. *See* DTS #2013-3152.

[768] HEADQUARTERS [redacted] JAN 04)

[769] [redacted] 1679 [redacted] JAN 04)

[770] [redacted] 1679 [redacted] JAN 04)

[771] HEADQUARTERS [redacted] JAN 04)

[772] [redacted] 1647 [redacted] JAN 04); [redacted] 1654 [redacted] JAN 04); [redacted] 1677 [redacted] JAN 04); [redacted] 1679 [redacted] JAN 04); [redacted] 1685 [redacted] JAN 04)

[773] [redacted] 54194 [redacted] JAN 04); [redacted] 1644 [redacted] JAN 04); [redacted] 1646 [redacted] JAN 04); [redacted] 1647 [redacted] JAN 04); [redacted] 1654 [redacted] JAN 04); [redacted] 1655 [redacted] JAN 04); [redacted] 1677 [redacted] JAN 04); [redacted] 1679 [redacted] JAN 04); [redacted] 1685 [redacted] JAN 04); [redacted] 1656 [redacted] JAN 04); [redacted] 1678 [redacted] JAN 04); [redacted] 1650 [redacted] JAN 04); [redacted] 1651 [redacted] JAN 04); [redacted] 1657 [redacted] JAN 04); [redacted] 1687 [redacted] JAN 04); [redacted] 1690 [redacted] JAN 04)

[774] Email from: [REDACTED]; to: [REDACTED]; subject: Re: Detainee Profile on Hassan Ghul for coord; date: December 30, 2005, at 8:14:04 AM.

2005, the CIA represented to the Department of Justice that Hassan Ghul's reporting on Shkai was acquired "*after*" the use of the CIA's enhanced interrogation techniques.[775]

(~~TS//[redacted]//NF~~) After two days of questioning at DETENTION SITE COBALT and the dissemination of 21 intelligence reports, Ghul was transferred to DETENTION SITE BLACK.[776] According to CIA records, upon arrival, Ghul was "shaved and barbered, stripped, and placed in the standing position against the wall" with "his hands above his head" with plans to lower his hands after two hours.[777] The CIA interrogators at the detention site then requested to use the CIA's enhanced interrogation techniques on Ghul, writing:

> "[the] interrogation team believes, based on [Hassan Ghul's] reaction to the initial contact, that his al-Qa'ida briefings and his earlier experiences with U.S. military interrogators have convinced him there are limits to the physical contact interrogators can have with him. The interrogation team believes the approval and employment of enhanced measures should sufficiently shift [Hassan Ghul's] paradigm of what he expects to happen. The lack of these increasd [sic] measures may limit the team's capability to collect critical and reliable information in a timely manner."[778]

(~~TS//[redacted]//NF~~) CIA Headquarters approved the request the same day.[779] Following 59 hours of sleep deprivation,[780] Hassan Ghul experienced hallucinations, but was told by a psychologist that his reactions were "consistent with what many others experience in his condition," and that he should calm himself by telling himself his experiences are normal and will subside when he decides to be truthful.[781] The sleep deprivation, as well as other enhanced interrogations, continued,[782] as did Ghul's hallucinations.[783] Ghul also complained of back pain and asked to see a doctor,[784] but interrogators responded that the "pain was normal, and would stop when [Ghul] was confirmed as telling the truth." A cable states that "[i]nterrogators told [Ghul] they did not care if he was in pain, but cared only if he provided complete and truthful information."[785] A CIA physician assistant later observed that Hassan Ghul was experiencing "notable physiological fatigue," including "abdominal and back muscle pain/spasm, 'heaviness' and mild paralysis of arms, legs and feet [that] are secondary to his hanging position and extreme

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[775] March 2, 2005, Memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center, re: Effectiveness of the CIA Counterterrorist Interrogation Techniques. Italics in original. For additional representations, *see* Volume II.

[776] [redacted] 1283 [redacted] JAN 04)

[777] [redacted] 1285 [redacted] JAN 04)

[778] [redacted] 1285 [redacted] JAN 04)

[779] HEADQUARTERS [redacted] JAN 04)

[780] [redacted] 1299 [redacted] JAN 04)

[781] [redacted] 1299 [redacted] JAN 04)

[782] [redacted] 1308 [redacted] JAN 04)

[783] [redacted] 1308 [redacted] JAN 04); [redacted] 1312 [redacted] JAN 04). The CIA's June 2013 Response states that when hallucinations occurred during sleep deprivation, "medical personnel intervened to ensure a detainee would be allowed a period of sleep." As described in this summary, and more extensively in Volume III, CIA records indicate that medical personnel did not always intervene and allow detainees to sleep after experiencing hallucinations.

[784] [redacted] 1299 [redacted] JAN 04)

[785] [redacted] 1299 [redacted] JAN 04). *See* Volume III for similar statements made to CIA detainees.

degree of sleep deprivation," but that Ghul was clinically stable and had "essentially normal vital signs," despite an "occasional premature heart beat" that the cable linked to Ghul's fatigue.[786] Throughout this period, Ghul provided no actionable threat information, and as detailed later in this summary, much of his reporting on the al-Qa'ida presence in Shkai was repetitive of his reporting prior to the use of the CIA's enhanced interrogation techniques. Ghul also provided no other information of substance on UBL facilitator Abu Ahmad al-Kuwaiti.[787] Nonetheless, on May 5, 2011, the CIA provided a document to the Committee entitled, "Detainee Reporting on Abu Ahmad al-Kuwaiti," which lists Hassan Ghul as a CIA detainee who was subjected to the CIA's enhanced interrogation techniques and who provided "Tier One" information "link[ing] Abu Ahmad to Bin Ladin."[788] Hassan Ghul was [redacted], and later released.[789] [redacted].[790]

6. *Other Detainees Wrongfully Held in 2004; CIA Sources Subjected to the CIA's Enhanced Interrogation Techniques; CIA Officer Testifies that the CIA Is "Not Authorized" "to Do Anything Like What You Have Seen" in Abu Ghraib Photographs*

(~~TS//~~ [redacted] ~~//NF~~) In March 2004, the CIA took custody of an Afghan national who had sought employment at a U.S. military base because he had the same name (Gul Rahman) as an individual believed to be targeting U.S. military forces in Afghanistan.[791] During the period in which the Afghan was detained, the CIA obtained signals intelligence of their true target communicating with his associates. DNA results later showed conclusively that the Afghan in custody was not the target. Nonetheless, the CIA held the detainee in solitary confinement for approximately a month before he was released with a nominal payment.[792]

(~~TS//~~ [redacted] ~~//NF~~) In the spring of 2004, after two detainees were transferred to CIA custody, CIA interrogators proposed, and CIA Headquarters approved, using the CIA's enhanced interrogation techniques on one of the two detainees because it might cause the detainee to provide information that could identify inconsistencies in the other detainee's story.[793] After both detainees had spent approximately 24 hours shackled in the standing sleep deprivation position, CIA Headquarters confirmed that the detainees were former CIA sources.[794] The two detainees had tried to contact the CIA on multiple occasions prior to their detention to inform the CIA of their activities and provide intelligence. The messages they had sent to the CIA [redacted]

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[786] [redacted] 1308 [redacted] JAN 04)

[787] *See* Volume II for additional information.

[788] *See* CIA letter to the Senate Select Committee on Intelligence, dated May 5, 2011, which includes a document entitled, "Background Detainee Information on Abu Ahmed al-Kuwaiti," with an accompanying six-page chart entitled, "Detainee Reporting on Abu Ahmed al-Kuwaiti" (DTS #2011-2004).

[789] [redacted] 2441 [redacted]; HEADQUARTERS [redacted]; [redacted] 1635 [redacted]; [redacted] 1712 [redacted]; HEADQUARTERS [redacted] 1775 [redacted] 173426 [redacted]

[790] *See* [redacted]

[791] The individual detained and the individual believed to be targeting U.S. forces were different from the Gul Rahman who died at DETENTION SITE COBALT.

[792] [redacted] 2035 [redacted]

[793] [redacted] 2186 ([REDACTED])

[794] ALEC [redacted] ([REDACTED])

[redacted] were not translated until after the detainees were subjected to the CIA's enhanced interrogation techniques.[795]

(~~TS//~~ [redacted] ~~//NF~~) During this same period in early 2004, CIA interrogators interrogated Adnan al-Libi, a member of the Libyan Islamic Fighting Group. CIA Headquarters did not approve the use of the CIA's enhanced techniques against al-Libi, but indicated that interrogators could use "standard" interrogation techniques, which included up to 48 hours of sleep deprivation.[796] CIA interrogators subsequently reported subjecting Adnan al-Libi to sleep deprivation sessions of 46.5 hours, 24 hours, and 48 hours, with a combined three hours of sleep between sessions.[797]

(~~TS//~~ [redacted] ~~//NF~~) Beginning in late April 2004, a number of media outlets published photographs of detainee abuse at the Department of Defense-run Abu Ghraib prison in Iraq. The media reports caused members of the Committee and individuals in the executive branch to focus on detainee issues. On May 12, 2004, the Committee held a lengthy hearing on detainee issues with Department of Defense and CIA witnesses. The CIA used the Abu Ghraib abuses as a contrasting reference point for its detention and interrogation activities. In a response to a question from a Committee member, CIA Deputy Director McLaughlin said, "we are not authorized in [the CIA program] to do anything like what you have seen in those photographs."[798] In response, a member of the Committee said, "I understand," and expressed the understanding, consistent with past CIA briefings to the Committee, that the "norm" of CIA's interrogations was "transparent law enforcement procedures [that] had developed to such a high level… that you could get pretty much what you wanted." The CIA did not correct the Committee member's misunderstanding that CIA interrogation techniques were similar to techniques used by U.S. law enforcement.[799]

7. *The CIA Suspends the Use of its Enhanced Interrogation Techniques, Resumes Use of the Techniques on an Individual Basis; Interrogations are Based on Fabricated, Single Source Information*

(~~TS//~~ [redacted] ~~//NF~~) In May 2004, the OLC, then led by Assistant Attorney General Jack Goldsmith, informed the CIA's Office of General Counsel that it had never formally opined on whether the use of the CIA's enhanced interrogation techniques in the CIA's program was

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[795] HEADQUARTERS [redacted] ([REDACTED]). For more information on AL-TURKI and AL-MAGREBI, *see* Volume III.

[796] *See* Volume I and II, including HEADQUARTERS [redacted]. In November 2003, CIA General Counsel Scott Muller sent an email to [redacted] suggesting "changing the sleep deprivation line as [sic] between enhanced and standard from 72 to 48 hours." (*See* November 23, 2003, email from Scott Muller to [redacted], cc: John Rizzo, Subject: Al-Hawsawi Incident.) On January 10, 2004, CIA Headquarters informed CIA detention sites of the change, stating that sleep deprivation over 48 hours would now be considered an "enhanced" interrogation technique. *See* HEADQUARTERS [redacted] (101713Z JAN 04).

[797] [redacted] 1888 (091823Z MAR 04); [redacted] 1889 (091836Z MAR 04). There is no indication in CIA records that CIA Headquarters addressed the repeated use of "standard" sleep deprivation against Adnan al-Libi. For more information, *see* Volume III detainee report for Adnan al-Libi.

[798] Transcript of Senate Select Committee on Intelligence hearing, May 12, 2004 (DTS #2004-2332).

[799] Transcript of Senate Select Committee on Intelligence hearing, May 12, 2004 (DTS #2004-2332).

consistent with U.S. constitutional standards.[800] Goldsmith also raised concerns about divergences between the CIA's proposed enhanced interrogation techniques, as described in the August 1, 2002, memorandum, and their actual application, as described in the CIA Inspector General's Special Review.[801] In late May 2004, DCI Tenet suspended the use of the CIA's "enhanced" and "standard" interrogation techniques, pending updated approvals from the OLC.[802] On June 4, 2004, DCI Tenet issued a formal memorandum suspending the use of the CIA's interrogation techniques, pending policy and legal review.[803] The same day, the CIA sought reaffirmation of the program from the National Security Council.[804] National Security Advisor Rice responded, noting that the "next logical step is for the Attorney General to complete the relevant legal analysis now in preparation."[805]

(~~TS//~~ [redacted] ~~//NF~~) On June [redacted], 2004, a foreign government captured Janat Gul, an individual believed, based on reporting from a CIA source, to have information about al-Qa'ida plans to attack the United States prior to the 2004 presidential election.[806] In October 2004, the CIA source who provided the information on the "pre-election" threat and implicated Gul and others admitted to fabricating the information. However, as early as March 2004, CIA officials internally expressed doubts about the validity of the CIA source's information.[807]

(~~TS//~~ [redacted] ~~//NF~~) On July 2, 2004, the CIA met with National Security Advisor Rice, other National Security Council officials, White House Counsel Alberto Gonzales, as well as the attorney general and the deputy attorney general, to seek authorization to use the CIA's enhanced interrogation techniques, specifically on Janat Gul.[808] The CIA represented that CIA

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[800] May 25, 2004, Talking Points for DCI Telephone Conversation with Attorney General: DOJ's Legal Opinion re CIA's Counterterrorist Program (CT) Interrogation. Letter from Assistant Attorney General Jack L. Goldsmith III to Director Tenet, June 18, 2004 (DTS #2004-2710).

[801] May 27, 2004, letter from Assistant Attorney General Goldsmith to General Counsel Muller.

[802] May 24, 2003, Memorandum for the Record from [redacted], subject: Memorandum of Meeting with the DCI Regarding DOJ's Statement that DOJ has Rendered No Legal Opinion on Whether CIA's Use of Enhanced Interrogation Techniques would meet Constitutional Standards. Memorandum for Deputy Director for Operations from Director of Central Intelligence, June 4, 2004, re: Suspension of Use of Interrogation Techniques.

[803] June 4, 2004, Memorandum for Deputy Director for Operations from Director of Central Intelligence, re: Suspension of Use of Interrogation Techniques. On June 2, 2004, George Tenet informed the President that he intended to resign from his position on July 11, 2004. The White House announced the resignation on June 3, 2004.

[804] June 4, 2004, Memorandum for the National Security Advisor from DCI George Tenet, re: Review of CIA Interrogation Program.

[805] June 2004, Memorandum for the Honorable George J. Tenet, Director of Central Intelligence from Condoleezza Rice, Assistant to the President for National Security Affairs, re: Review of CIA's Interrogation Program.

[806] [redacted] 39254 [redacted]; ALEC [redacted] [redacted]; [redacted] 3121 [redacted] [redacted] 3121 [redacted]

[807] The former chief of the CIA's Bin Ladin Unit wrote in a March [redacted], 2004, email that the reporting was "vague" and "worthless in terms of actionable intelligence." He suggested that the reporting "would be an easy way [for al-Qa'ida] to test" the loyalty of the source, given al-Qa'ida's knowledge that leaked threat reporting "causes panic in Washington." (*See* email from: [redacted]; to: [redacted], [redacted], [REDACTED], [redacted], [redacted]; subject: could AQ be testing [ASSET Y] and [source name REDACTED]?; date: March [redacted], 2004, at 06:55 AM.) ALEC Station officer [redacted] expressed similar doubts in response to the email. *See* email from: [redacted]; to: [redacted]; cc: [redacted], [redacted], [REDACTED], [redacted] subject: Re: could AQ be testing [ASSET Y] and [source name REDACTED]?; date: March [redacted], 2004, at 07:52:32 AM). *See* also [redacted] 1411 ([redacted]04).

[808] July 2, 2004, CIA Memorandum re Meeting with National Adviser Rice in the White House Situation Room, re Interrogations and Detainee Janat Gul, July 2, 2004.

"interrogations have saved American lives," that more than half of the CIA detainees would not cooperate until they were interrogated using the CIA's enhanced interrogation techniques,[809] and that "unless CIA interrogators can use a full range of enhanced interrogation methods, it is unlikely that CIA will be able to obtain current threat information from Gul in a timely manner."[810] Janat Gul was not yet in CIA custody.[811]

(~~TS//[redacted]//NF~~) On July 6, 2004, National Security Advisor Rice sent a memorandum to DCI Tenet stating that the CIA was "permitted to use previously approved enhanced interrogation methods for Janat Gul, with the exception of the waterboard." Rice offered "to assist [the CIA] in obtaining additional guidance from the Attorney General and NSC Principals on an expedited basis" and noted the CIA's agreement to provide additional information about the waterboard technique in order for the Department of Justice to assess its legality. Rice's memorandum further documented that the CIA had informed her that "Gul likely has information about preelection terrorist attacks against the United States as a result of Gul's close ties to individuals involved in these alleged plots."[812]

(~~TS//[redacted]//NF~~) In a meeting on July 20, 2004, National Security Council principals, including the vice president, provided their authorization for the CIA to use its enhanced interrogation techniques—again, with the exception of the waterboard—on Janat Gul. They also directed the Department of Justice to prepare a legal opinion on whether the CIA's enhanced interrogation techniques were consistent with the Fifth and Fourteenth Amendments to the U.S. Constitution.[813] On July 22, 2004, Attorney General John Ashcroft sent a letter to Acting DCI John McLaughlin stating that nine interrogation techniques (those addressed in the August 1, 2002, memorandum, with the exception of the waterboard) did not violate the U.S. Constitution or any statute or U.S. treaty obligations, in the context of the interrogation of Janat Gul.[814] For the remainder of 2004, the CIA used its enhanced interrogation techniques on three detainees—Janat Gul, Sharif al-Masri, and Ahmed Khalfan Ghailani—with individualized approval from the Department of Justice.[815]

(~~TS//[redacted]//NF~~) After being rendered to CIA custody on July [redacted], 2004, Janat Gul was subjected to the CIA's enhanced interrogation techniques, including continuous sleep deprivation, facial holds, attention grasps, facial slaps, stress positions, and walling,[816] until he

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[809] At the time of this CIA representation, the CIA had held at least 109 detainees and subjected at least 33 of them (30 percent) to the CIA's enhanced interrogation techniques.

[810] July 6, 2004, Memorandum from Condoleezza Rice, Assistant to the President for National Security Affairs, to the Honorable George Tenet, Director of Central Intelligence, re Janat Gul. CIA Request for Guidance Regarding Interrogation of Janat Gul, July 2, 2004.

[811] For additional details, *see* Volume III.

[812] July 6, 2004, Memorandum from Condoleezza Rice, Assistant to the President for National Security Affairs, to the Honorable George Tenet, Director of Central Intelligence, re Janat Gul.

[813] July 29, 2004, Memorandum for the Record from CIA General Counsel Scott Muller, "Principals Meeting relating to Janat Gul on 20 July 2004."

[814] The one-paragraph letter did not provide legal analysis or substantive discussion of the interrogation techniques. Letter from Attorney General Ashcroft to Acting DCI McLaughlin, July 22, 2004 (DTS #2009-1810, Tab 4).

[815] *See* Volume III for additional details.

[816] [redacted] 1512 [redacted] 04); [redacted] 1519 [redacted] 04); [redacted] 1521 [redacted] 04); [redacted] 1530 [redacted] 04); [redacted] 1537 [redacted] 04); [redacted] 1541 [redacted] 04); [redacted] 1542 [redacted] 04)

experienced auditory and visual hallucinations.[817] According to a cable, Janat Gul was "not oriented to time or place" and told CIA officers that he saw "his wife and children in the mirror and had heard their voices in the white noise."[818] The questioning of Janat Gul continued, although the CIA ceased using the CIA's enhanced interrogation techniques for several days. According to a CIA cable, "[Gul] asked to die, or just be killed."[819] After continued interrogation sessions with Gul, on August 19, 2004, CIA detention site personnel wrote that the interrogation "team does not believe [Gul] is withholding imminent threat information."[820] On August 21, 2004, a cable from CIA Headquarters stated that Janat Gul "is believed" to possess threat information, and that the "use of enhanced techniques is appropriate in order to obtain that information."[821] On that day, August 21, 2004, CIA interrogators resumed using the CIA's enhanced interrogation techniques against Gul.[822] Gul continued not to provide any reporting on the pre-election threat described by the CIA source.[823] On August 25, 2004, CIA interrogators sent a cable to CIA Headquarters stating that Janat Gul "may not possess all that [the CIA] believes him to know."[824] The interrogators added that "many issues linking [Gul] to al-Qaida are derived from single source reporting" (the CIA source).[825] Nonetheless, CIA interrogators continued to question Gul on the pre-election threat. According to an August 26, 2004, cable, after a 47-hour session of standing sleep deprivation, Janat Gul was returned to his cell, allowed to remove his diaper, given a towel and a meal, and permitted to sleep.[826] In October 2004, the CIA conducted a [redacted] of the CIA source who had identified Gul as having knowledge of attack planning for the pre-election threat. [redacted], the CIA source admitted to fabricating the information.[827] Gul was subsequently transferred to a foreign government. On [redacted] informed the CIA that Janat Gul had been released.[828]

(~~TS//[redacted]//NF~~) Janat Gul never provided the threat information the CIA originally told the National Security Council that Gul possessed. Nor did the use of the CIA's enhanced interrogation techniques against Gul produce the "immediate threat information that could save American lives," which had been the basis for the CIA to seek authorization to use the techniques. As described elsewhere in this summary, the CIA's justification for employing its enhanced interrogation techniques on Janat Gul—the first detainee to be subjected to the techniques following the May 2004 suspension—changed over time. After having initially cited Gul's knowledge of the pre-election threat, as reported by the CIA's source, the CIA began representing that its enhanced interrogation techniques were required for Gul to deny the existence of the threat, thereby disproving the credibility of the CIA source.[829]

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817 [redacted] 1541 [redacted] 04)

818 [redacted] 1541 [redacted] 04)

819 [redacted] 1567 [redacted] 04)

820 [redacted] 1574 [redacted] 04)

821 HEADQUARTERS [redacted] 04)

822 [redacted] 1603 [redacted] 04)

823 [redacted] 1603 [redacted] 04)

824 [redacted] 1622 [redacted] 04)

825 [redacted] 1622 [redacted] 04)

826 [redacted] 1622 [redacted] 04)

827 [redacted] 1411 [redacted] 04). *See* Volume III for additional information.

828 [redacted] 3398 [redacted] 5492 [redacted]

829 Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of

(~~TS//[redacted]//NF~~) On August 11, 2004, in the midst of the interrogation of Janat Gul using the CIA's enhanced interrogation techniques, CIA attorney [redacted] wrote a letter to Acting Assistant Attorney General Dan Levin with "brief biographies" of four individuals whom the CIA hoped to detain. Given the requirement at the time that the CIA seek individual approval from the Department of Justice before using the CIA's enhanced interrogation techniques against a detainee, the CIA letter states, "[w]e are providing these preliminary biographies in preparation for a future request for a legal opinion on their subsequent interrogation in CIA control." Two of the individuals—Abu Faraj al-Libi and Hamza Rabi'a—had not yet been captured, and thus the "biographies" made no reference to their interrogations or the need to use the CIA's enhanced interrogation techniques. The third individual, Abu Talha al-Pakistani, was in foreign government custody. His debriefings by a foreign government, [redacted], were described in the letter as "only moderately effective" because Abu Talha was "distracting [those questioning him] with noncritical information that is truthful, but is not related to operational planning." The fourth individual, Ahmed Khalfan Ghailani, was also in foreign government custody and being debriefed by foreign government officials [redacted]. According to the letter, Ghailani's foreign government debriefings were "ineffective" because Ghailani had "denied knowledge of current threats." The letter described reporting on the pre-election threat—much of which came from the CIA source—in the context of all four individuals.[830] Ahmed Ghailani and Abu Faraj al-Libi were eventually rendered to CIA custody and subjected to the CIA's enhanced interrogation techniques.

(~~TS//[redacted]//NF~~) On September [redacted], 2004, after the CIA had initiated a counterintelligence review of the CIA source who had reported on the pre-election threat, but prior to the CIA source's [redacted], the CIA took custody of Sharif al-Masri, whom the CIA source had reported would also have information about the threat.[831] Intelligence provided by Sharif al-Masri while he was in foreign government custody resulted in the dissemination of more than 30 CIA intelligence reports.[832] After entering CIA custody, Sharif al-Masri expressed his intent to cooperate with the CIA, indicating that he was frightened of interrogations because he had been tortured while being interrogated in [redacted].[833] The CIA nonetheless sought approval to use the CIA's enhanced interrogation techniques against al-Masri because of his failure to provide information on the pre-election threat.[834]

(~~TS//[redacted]//NF~~) After approximately a week of interrogating al-Masri using the CIA's enhanced interrogation techniques, including sleep deprivation that coincided with

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United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees, at 11. *See* section of this summary and Volume II entitled, "The Assertion that CIA Detainees Subjected to Enhanced Interrogation Techniques Help Validate CIA Sources."

[830] Letter from [redacted], Assistant General Counsel, to Dan Levin, Acting Assistant Attorney General, [redacted], 2004.

[831] WASHINGTON [redacted] 04); [redacted] 19045 [redacted] MAR 04). *See* HEADQUARTERS [redacted] 04); [redacted] 4267 [redacted] 04).

[832] *See*, for example, [redacted]; and [redacted] 24611 [redacted].

[833] [redacted] 3191 [redacted] 3192 [redacted].

[834] [redacted] 3194 [redacted]; HEADQUARTERS [redacted].

auditory hallucinations, CIA interrogators reported that al-Masri had been "motivated to participate" at the time of his arrival.[835] Despite al-Masri's repeated descriptions of torture in [redacted], the CIA transferred al-Masri to that government's custody after approximately three months of CIA detention.[836]

(~~TS//~~ [redacted] ~~//NF~~) As in the case of Janat Gul and Sharif al-Masri, the CIA's requests for OLC advice on the use of the CIA's enhanced interrogation techniques against Ahmed Khalfan Ghailani were based on the fabricated reporting on the pre-election threat from the same CIA source.[837] Like Janat Gul and Sharif al-Masri, Ghailani also experienced auditory hallucinations following sleep deprivation.[838] As described in this summary, after having opined on the legality of using the CIA's enhanced interrogation techniques on these three individual detainees, the OLC did not opine again on the CIA's enhanced interrogation program until May 2005.

8. *Country [redacted] Detains Individuals on the CIA's Behalf*

(~~TS//~~ [redacted] ~~//NF~~) Consideration of a detention facility in Country [redacted] began in [redacted] 2003, when the CIA sought to transfer Ramzi bin al-Shibh from the custody of a foreign government to CIA custody.[839] [redacted], which had not yet informed the country's political leadership of the CIA's request to establish a clandestine detention facility in Country [redacted], surveyed potential sites for the facility, while the CIA set aside $[redacted] million for its construction.[840] In [redacted] 2003, the CIA arranged for a "temporary patch" involving placing two CIA detainees (Ramzi bin al-Shibh and 'Abd al-Rahim al-Nashiri) within an already existing Country [redacted] detention facility, until the CIA's own facility could be built.[841] That spring, as the CIA was offering millions of dollars in subsidies to [redacted] in Countries [redacted], [redacted], and [redacted],[842]

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[835] [redacted] 3289 [redacted]. For more information, *see* Volume III, detainee report for Sharif al-Masri.

[836] HEADQUARTERS [redacted] 3802 [redacted]

[837] *See* letter from [redacted], Associate General Counsel, CIA, to Dan Levin, Acting Assistant Attorney General, August 25, 2004 (DTS #2009-1809). (Note: At various times during this period [redacted] is identified as both CIA associate general counsel and [redacted] CTC Legal). *See also* a letter from [redacted], Assistant General Counsel, to Dan Levin, Acting Assistant Attorney General, September 5, 2004 (DTS #2009-1809). A CIA email sent prior to the CIA's request for advice from the OLC indicated that the judgment that Ghailani had knowledge of terrorist plotting was speculative: "Although Ghailani's role in operational planning is unclear, his respected role in al-Qa'ida and presence in Shkai as recently as October 2003 may have provided him some knowledge about ongoing attack planning against the United States homeland, and the operatives involved." (*See* email from: [redacted], CTC/UBLD [redacted] (formerly ALEC [redacted]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: derog information for ODDO on Talha, Ghailani, Hamza Rabi'a and Abu Faraj; date: August 10, 2004.) Ghailani was rendered to CIA custody on September [redacted] 2004. (*See* [redacted] 3072 [redacted].) The CIA began using its enhanced interrogation techniques on Ghailani on September 17, 2004, as the CIA was initiating its counterintelligence review of the source who provided the false reporting on the pre-election threat. *See* [redacted] 3189 (181558Z SEP 04); HEADQUARTERS [redacted] 04); [redacted] 4267 [redacted] 04).

[838] [REDACTED] 3221 [redacted]

[839] [REDACTED] 22343 [redacted]

[840] HEADQUARTERS [redacted]

[841] HEADQUARTERS [redacted]

[842] While CIA Headquarters offered $[redacted] million to Country [redacted] for hosting a CIA detention facility, [redacted] precluded the opening of the facility. Only $[redacted] million was made available to the CIA Station for support to the

CIA Headquarters directed the CIA Station in Country [redacted] to "think big" about how CIA Headquarters could support Country [redacted]'s [redacted].[843] After the Station initially submitted relatively modest proposals, CIA Headquarters reiterated the directive, adding that the Station should provide a "wish list."[844] In [redacted] 2003, the Station proposed a more expansive $[redacted] million in [redacted] subsidies.[845] [redacted] subsidy payments, intended in part as compensation for support of the CIA detention program, rose as high as $[redacted] million.[846] By [redacted] 2003, after an extension of five months beyond the originally agreed upon timeframe for concluding CIA detention activities in Country [redacted], both bin al-Shibh and al-Nashiri had been transferred out of Country [redacted] to the CIA detention facility at Guantanamo Bay, Cuba.[847]

9. *U.S. Supreme Court Action in the Case of Rasul v. Bush Forces Transfer of CIA Detainees from Guantanamo Bay to Country [redacted]*

(~~TS//~~[redacted]~~//NF~~) Beginning in September 2003, the CIA held a number of detainees at CIA facilities on the grounds of, but separate from, the U.S. military detention facilities at Guantanamo Bay, Cuba.[848] In early January 2004, the CIA and the Department of Justice began discussing the possibility that a pending U.S. Supreme Court case, *Rasul v. Bush,* might grant *habeas corpus* rights to the five CIA detainees then being held at a CIA detention facility at

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[redacted] although CIA Headquarters asked the CIA Station to "advise if additional funds may be needed to keep [the facility] viable over the coming year and beyond." CIA Headquarters added, "we cannot have enough blacksite hosts, and we are loathe to let one we have slip away." Country [redacted] never hosted CIA detainees. *See* HEADQUAR [redacted]; [REDACTED] 5298 [redacted]; HEADQUAR [redacted]

[843] ALEC [redacted] 03). In an interview on the CIA program, [redacted] noted that the program had "more money than we could possibly spend we thought, and it turned out to be accurate." In the same interview, he stated that "in one case, we gave [redacted] $[redacted],000,000 [redacted]. Myself and José [Rodriguez] [redacted]. We never counted it. I'm not about to count that kind of money for a receipt." The boxes contained one hundred dollar bills. [redacted] did not identify the recipient of the $[redacted] million. *See* transcript of Oral History Interview, Interviewee: [redacted] (RJ) - October 13, 2006, Interviewer: [REDACTED] and [redacted].

[844] ALEC [redacted] 03)

[845] ALEC [redacted]

[846] *See* DTS #2010-2448.

[847] [REDACTED] 2498 [redacted]

[848] April [redacted], 2003, Memorandum for Director, DCI Counterterrorist Center, from [redacted], Chief Renditions and Detainees Group, via [redacted], Counterterrorist Center, Chief of Operations, [redacted], Chief, [redacted], Subject: Request to Relocate High-Value Detainees to an Interim Detention Facility at Guantanamo. *See also* DIRECTOR [redacted]. CIA detainees were held at two facilities at Guantanamo Bay, DETENTION SITE MAROON and DETENTION SITE INDIGO. (*See* Quarterly Review of Confinement Conditions for CIA Detainees, Coverage Period: [redacted].) A third CIA detention facility, DETENTION SITE RED [redacted]. *See* 3897 [redacted]; 3445 [redacted]; 9754 [redacted], 8405 [redacted], 8408 [redacted]; and September 1, 2006, Memorandum of Agreement Between the Department of Defense (DOD) and the Central Intelligence Agency (CIA) Concerning the Detention by DOD of Certain Terrorists at a Facility at Guantanamo Bay Naval Station.

Guantanamo Bay.[849] Shortly after these discussions, CIA officers approached the [redacted] in Country [redacted] to determine if it would again be willing to host these CIA detainees, who would remain in CIA custody within an already existing Country [redacted] facility.[850] By January [redacted], 2004, the [redacted] in Country [redacted] had agreed to this arrangement for a limited period of time.[851]

(~~TS//[redacted]//NF~~) Meanwhile, CIA General Counsel Scott Muller asked the Department of Justice, the National Security Council, and the White House Counsel for advice on whether the five CIA detainees being held at Guantanamo Bay should remain at Guantanamo Bay or be moved pending the Supreme Court's decision.[852] After consultation with the U.S. solicitor general in February 2004, the Department of Justice recommended that the CIA move four detainees out of a CIA detention facility at Guantanamo Bay pending the Supreme Court's resolution of the case.[853] The Department of Justice concluded that a fifth detainee, Ibn Shaykh al-Libi, did not need to be transferred because he had originally been detained under military authority and had been declared to the ICRC.[854] Nonetheless, by April [redacted], 2004, all five CIA detainees were transferred from Guantanamo Bay to other CIA detention facilities.[855]

(~~TS//[redacted]//NF~~) Shortly after placing CIA detainees within an already existing Country [redacted] facility for a second time, tensions arose between the CIA and [redacted] Country [redacted].[856] In [redacted] 2004, CIA detainees in a Country [redacted] facility claimed to hear cries of pain from other detainees presumed to be in the [redacted] facility.[857] When the CIA chief of Station approached the [redacted]

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[849] Email from: Scott W. Muller; to: [redacted], [REDACTED]; cc: [REDACTED]; subject: Detainees in Gitmo; date: January [redacted], 2004.

[850] *See* HEADQUARTERS [redacted]; [REDACTED] 1845 [redacted]. The CIA's long-term facility in Country [redacted], which the CIA Station in Country [redacted] had warned was a drain on the Station's resources, had not yet been completed. *See* [REDACTED] 1785 [redacted].

[851] [REDACTED] 1679 [redacted]

[852] Email from: Scott Muller; to: James Pavitt, [redacted]; cc: George Tenet, John McLaughlin, [REDACTED], [REDACTED], [redacted], [REDACTED], [redacted]; subject: CIA Detainees at GITMO; date: February [redacted], 2004.

[853] Email from: Scott Muller; to: James Pavitt, [redacted]; cc: George Tenet, John McLaughlin, [REDACTED], [REDACTED], [redacted], [REDACTED], [redacted]; subject: CIA Detainees at GITMO; date: February [redacted], 2004.

[854] Email from: Scott Muller; to: James Pavitt, [redacted]; cc: George Tenet, John McLaughlin, [REDACTED], [REDACTED], [redacted], [REDACTED], [redacted]; subject: CIA Detainees at GITMO; date: February [redacted], 2004. [redacted]. *See* 10255 [redacted]; ALEC [redacted], 13698 [redacted]; ALEC [redacted].

[855] [redacted] 1672 [redacted]; [redacted] 1674 [redacted]; [REDACTED] 1898 [redacted]

[856] *See*, for example, [REDACTED] 1679 [redacted]. For additional details of the CIA's interactions with Country [redacted], *see* Volume I.

[857] Among the detainees making this claim was Ibn Shaykh al-Libi, who had previously been rendered from CIA custody to [redacted]. A Libyan national, Ibn Shaykh al-Libi reported while in [redacted] custody that Iraq was supporting al Qa'ida and providing assistance with chemical and biological weapons. Some of this information was cited by Secretary Powell in his speech to the United Nations, and was used as a justification for the 2003 invasion of Iraq. Ibn Shaykh al-Libi recanted the claim after he was rendered to CIA custody on February [redacted], 2003, claiming that he had been tortured by the [redacted], and only told them what he assessed they wanted to hear. For more details, *see* Volume III. While in Country [redacted], al-Libi told CIA debriefers that the "sobbing and yelling" he

about the accounts of the CIA detainees, the stated with "bitter dismay" that the bilateral relationship was being "tested."[858] There were also counterintelligence concerns relating to CIA detainee Ramzi bin al-Shibh, who had attempted to influence a Country officer.[859] These concerns contributed to a request from in 2004 for the CIA to remove all CIA detainees from Country .[860]

(~~TS//~~ ~~//NF~~) In 2004, when the chief of Station in Country again approached the with allegations from CIA detainees about the mistreatment of Country detainees in the facility, the chief of Station received an angry response that, as he reported to CIA Headquarters, "starkly illustrated the inherent challenges [of] ." According to the chief of Station, Country saw the CIA as "querulous and unappreciative recipients of their cooperation."[861] By the end of 2004, relations between the CIA and Country deteriorated, particularly with regard to intelligence cooperation.[862] The CIA detainees were transferred out of Country in 2005.[863]

(~~TS//~~ ~~//NF~~) Beginning in 2005, the in Country insisted, over the CIA's opposition, to brief Country 's on the effort to establish a more permanent and unilateral CIA detention facility, which was under construction. A proposed phone call to the from Vice President Cheney to solidify support for CIA operations in Country was complicated by the fact that Vice President Cheney had not been told about the locations of the CIA detention facilities. The CIA wrote that there was a "primary need" to "eliminate any possibility that [ ] could explicitly or implicitly refer to the existence of a black site in [the country]" during the call with the vice president.[864] There are no indications that the call occurred. The of Country nonetheless approved the unilateral CIA detention facility, which cost $ million, but was never used by the CIA.[865] By 2006, the CIA was working with Country to decommission what was described as the "aborted" project.[866]

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heard reminded him of what he previously endured in custody and it sounded to him like a prisoner had been tied up and beaten. *See* [REDACTED] 1989 .

[858] [REDACTED] 2010

[859] [REDACTED] 2010

[860] [REDACTED] 2317 . The CIA's June 2013 Response states that "[i]t was only as leaks detailing the program began to emerge that foreign partners felt compelled to alter the scope of their involvement." As described above, the tensions with Country were unrelated to press leaks.

[861] [REDACTED] 2602

[862] *See* [REDACTED] 2318 ; [REDACTED] 31281 ; and [REDACTED] 2783 . Country officials refused to provide the CIA with counterterrorism information, including information obtained through CIA-funded . *See* [REDACTED] 31281 .

[863] HEADQUARTERS

[864] HEADQUARTERS

[865] [REDACTED] and CTC RDG, "Evolution of the Program."

[866] [REDACTED] 3706 ([REDACTED] [REDACTED])

L. The Pace of CIA Operations Slows; Chief of Base Concerned About "Inexperienced, Marginal, Underperforming" CIA Personnel; Inspector General Describes Lack of Debriefers As "Ongoing Problem"

(~~TS//~~ [redacted] ~~//NF~~) In the fall of 2004, CIA officers began considering "end games," or the final disposition of detainees in CIA custody. A draft CIA presentation for National Security Council principals dated August 19, 2004, identified the drawbacks of ongoing indefinite detention by the CIA, including: the need for regular relocation of detainees, the "tiny pool of potential host countries" available "due to high risks," the fact that "prolonged detention without legal process increases likelihood of HVD health, psychological problems [and] curtails intel flow," criticism of the U.S. government if legal process were delayed or denied, and the likelihood that the delay would "complicate, and possibly reduce the prospects of successful prosecutions of these detainees."[867] CIA draft talking points produced a month later state that transfer to Department of Defense or Department of Justice custody was the "preferred endgame for 13 detainees currently in [CIA] control, none of whom we believe should ever leave USG custody."[868]

(~~TS//~~ [redacted] ~~//NF~~) By the end of 2004, the overwhelming majority of CIA detainees—113 of the 119 identified in the Committee Study—had already entered CIA custody. Most of the detainees remaining in custody were no longer undergoing active interrogations; rather, they were infrequently questioned and awaiting a final disposition. The CIA took custody of only six new detainees between 2005 and January 2009: four detainees in 2005, one in 2006, and one—the CIA's final detainee, Muhammad Rahim—in 2007.[869]

(~~TS//~~ [redacted] ~~//NF~~) In 2004, CIA detainees were being held in three countries: at DETENTION SITE BLACK in Country [redacted], at the [redacted] facility [redacted] in Country [redacted], as well as at detention facilities in Country [redacted]. DETENTION SITE VIOLET in Country [redacted] opened in early 2005.[870] On April 15, 2005, the chief of Base at DETENTION SITE BLACK in Country [redacted] sent the management of RDG an email expressing his concerns about the detention site and the program in general. He commented that "we have seen clear indications that various Headquarters elements are experiencing mission fatigue vis-à-vis their interaction with the program," resulting in a "decline in the overall quality and level of experience of deployed personnel," and a decline in "level and quality of requirements." He wrote that because of the length of time most of the CIA detainees had been in detention, "[the] detainees have been all but drained of actionable intelligence," and their remaining value was in providing "information that can be incorporated into strategic, analytical think pieces that deal with motivation, structure and goals." The chief of Base observed that, during the course of the year, the detention site transitioned from an intelligence production facility to a long-term detention facility, which raised "a host of new challenges." These challenges included the need to address

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[867] CIA PowerPoint Presentation, CIA Detainees: Endgame Options and Plans, dated August 19, 2004.
[868] September 17, 2004, DRAFT Talking Points for the ADCI: Endgame Options and Plans for CIA Detainees.
[869] The CIA took custody of Abu Faraj al-Libi, Abu Munthir al-Magrebi, Ibrahim Jan, and Abu Ja'far al Iraqi in 2005, and Abd al-Hadi al-Iraqi in 2006.
[870] The first detainees arrived in Country [redacted] in [redacted] 2003. CIA detainees were held within an existing Country [redacted] facility in Country [redacted] from [redacted] to [redacted] 2003, and then again beginning in [redacted] 2004. For additional information, *see* Volume I.

the "natural and progressive effects of long-term solitary confinement on detainees" and ongoing behavioral problems.[871]

(~~TS//[redacted]//NF~~) With respect to the personnel at DETENTION SITE BLACK, the chief of Base wrote:

> "I am concerned at what appears to be a lack of resolve at Headquarters to deploy to the field the brightest and most qualified officers for service at [the detention site]. Over the course of the last year the quality of personnel (debriefers and [security protective officers]) has declined significantly. With regard to debriefers, most are mediocre, a handfull [sic] are exceptional and more than a few are basically incompetent. From what we can determine there is no established methodology as to the selection of debriefers. Rather than look for their best, managers seem to be selecting either problem, underperforming officers, new, totally inexperienced officers or whomever seems to be willing and able to deploy at any given time. We see no evidence that thought is being given to deploying an 'A-Team.' The result, quite naturally, is the production of mediocre or, I dare say, useless intelligence....
>
> We have seen a similar deterioration in the quality of the security personnel deployed to the site.... If this program truly does represent one of the agency's most secret activities then it defies logic why inexperienced, marginal, underperforming and/or officers with potentially significant [counterintelligence] problems are permitted to deploy to this site. It is also important that we immediately inact [sic] some form of rigorous training program."[872]

(~~TS//[redacted]//NF~~) A CIA OIG audit completed in June 2006 "found that personnel assigned to CIA-controlled detention facilities, for the most part, complied with the standards and guidelines in carrying out their duties and responsibilities." The OIG also found that, "except for the shortage of debriefers, the facilities were staffed with sufficient numbers and types of personnel." The lack of debriefers, however, was described as "an ongoing problem" for the program. According to the audit, there were extended periods in 2005 when the CIA's DETENTION SITE ORANGE in Country [redacted] had either one or no debriefers. At least twice in the summer of 2005, the chief of Station in that country requested additional debriefers, warning that intelligence collection could suffer. Months later, in January 2006, the chief of Base at the detention site advised CIA Headquarters that "the facility still lacked debriefers to support intelligence collection requirements, that critical requirements were 'stacking up,' and that gaps in the debriefing of detainees were impacting the quantity and quality of intelligence reporting and would make the work of future debriefers more difficult."[873]

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[871] Email from: [REDACTED] (COB DETENTION SITE BLACK); to: [redacted], [redacted], [redacted]; subject: General Comments; date: April 15, 2005.

[872] Email from: [REDACTED] (COB DETENTION SITE BLACK); to: [redacted], [redacted], [redacted]; subject: General Comments; date: April 15, 2005.

[873] Report of Audit, CIA-controlled Detention Facilities Operated Under the 17 September 2001 Memorandum of Notification, Report No. 2005-0017-AS, June 14, 2006, at DTS # 2006-2793. As further described in the

M. Legal and Operational Challenges in 2005

1. Department of Justice Renews Approval for the Use of the CIA's Enhanced Interrogation Techniques in May 2005

(~~TS//~~ [redacted] ~~//NF~~) On May 10, 2005, the new acting assistant attorney general for OLC, Steven Bradbury, issued two legal memoranda. The first analyzed whether the individual use of the CIA's 13 enhanced interrogation techniques—including waterboarding, as well as a number of interrogation techniques that had been used in 2003 and 2004, but had not been analyzed in the original August 1, 2002, OLC memorandum—were consistent with the criminal prohibition on torture.[874] The second memorandum considered the combined use of the CIA's enhanced interrogation techniques.[875] Both legal memoranda concluded that the use of the CIA's enhanced interrogation techniques did not violate the torture statute.

(~~TS//~~ [redacted] ~~//NF~~) On May 26, 2005, the CIA inspector general, who had been provided with the two OLC memoranda, wrote a memo to the CIA director recommending that the CIA seek additional legal guidance on whether the CIA's enhanced interrogation techniques and conditions of confinement met the standard under Article 16 of the Convention Against Torture.[876] The inspector general noted that "a strong case can be made that the Agency's authorized interrogation techniques are the kinds of actions that Article 16 undertakes to prevent," adding that the use of the waterboard may be "cruel" and "extended detention with no clothing would be considered 'degrading' in most cultures, particularly Muslim." The inspector general further urged that the analysis of conditions was equally important, noting that the inspector general's staff had "found a number of instances of detainee treatment which arguably violate the prohibition on cruel, inhuman, and/or degrading treatment."[877]

Committee Study, the Inspector General audit described how the CIA's detention facilities were not equipped to provide detainees with medical care. The audit described unhygienic food preparation, including at a facility with a "rodent infestation," and noted that a physician assistant attributed symptoms of acute gastrointestinal illness and giardiasis experienced by six staff and a detainee to food and water contamination. The audit further identified insufficient guidelines covering possible detainee escape or the death of a detainee.

[874] *See* Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. §§ 2340-2340A to Certain Techniques That May Be Used in the Interrogation of a High Value al Qaeda Detainee.

[875] *See* Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. §§ 2340-2340A to the Combined Use of Certain Techniques That May Be Used in the Interrogation of High Value al Qaeda Detainees.

[876] May 26, 2005, Memorandum for Director, Central Intelligence Agency, from John Helgerson, Inspector General, re: Recommendation for Additional Approach to Department of Justice Concerning Legal Guidance on Interrogation Techniques.

[877] May 26, 2005, Memorandum for Director, Central Intelligence Agency, from John Helgerson, Inspector General, re: Recommendation for Additional Approach to Department of Justice Concerning Legal Guidance on Interrogation Techniques.

(~~TS//[redacted]//NF~~) On May 30, 2005, a third OLC memorandum examining U.S. obligations under the Convention Against Torture was completed.[878] The conclusions in this opinion were based largely on the CIA's representations about the effectiveness of the CIA interrogation program in obtaining unique and "otherwise unavailable actionable intelligence." As described later in this summary, and in more detail in Volume II, the CIA's effectiveness representations were almost entirely inaccurate.

2. *Abu Faraj Al-Libi Subjected to the CIA's Enhanced Interrogation Techniques Prior to Department of Justice Memorandum on U.S. Obligations Under the Convention Against Torture; CIA Subjects Abu Faraj Al-Libi to the CIA's Enhanced Interrogation Techniques When He Complains of Hearing Problems*

(~~TS//[redacted]//NF~~) On May 2, 2005, when Abu Faraj al-Libi, al-Qa'ida's chief of operations, was captured in Pakistan, the OLC had not yet issued the three aforementioned May 2005 legal memoranda.[879] CIA officers described Abu Faraj al-Libi's capture as the "most important al-Qa'ida capture since Khalid Shaykh Muhammad."[880] Shortly after al-Libi's capture, the CIA began discussing the possibility that Abu Faraj al-Libi might be rendered to U.S. custody.[881]

(~~TS//[redacted]//NF~~) On May [redacted], 2005, four days before the rendition of Abu Faraj al-Libi to CIA custody, Director of CTC Robert Grenier asked CIA Director Porter Goss to send a memorandum to the national security advisor and the director of national intelligence "informing them of the CIA's plans to take custody of Abu Faraj al-Libi and to employ interrogation techniques if warranted and medically safe."[882] On May 24, 2005, the White House informed the CIA that a National Security Council Principals Committee meeting would be necessary to discuss the use of the CIA's enhanced interrogation techniques on Abu Faraj al-Libi, but the travel schedule of one of the principals was delaying such a meeting.[883] CIA Director Goss instructed CIA officers to proceed as planned, indicating that he would call the principals individually and inform them that, if Abu Faraj al-Libi was found not to be cooperating and there were no contraindications to such an interrogation, he would approve the use of all of the CIA's enhanced interrogation techniques other than the waterboard, without waiting for a meeting of

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[878] *See* Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees.

[879] For more information on Abu Faraj al-Libi's detention and interrogation, *see* Volume III.

[880] HEADQUARTERS [redacted] (251840Z MAY 05)

[881] *See*, for example, [redacted] 1085 [redacted] (describing meetings on May 6 and 7, 2005).

[882] May [redacted], 2005, Memorandum for Director, Central Intelligence Agency, via Acting Deputy Director, Central Intelligence Agency, Executive Director, Deputy Director for Operations from Robert Grenier, Director, DCI Counterterrorist Center, re: Interrogation Plan for Abu Faraj al-Libi.

[883] Email from: [redacted]; to: Robert Grenier, John Mudd, [REDACTED], [REDACTED], [redacted], [redacted], [REDACTED], [redacted], [redacted]; cc: [redacted], [REDACTED], [REDACTED], [REDACTED]; subject: Possible significant delay in EITs for AFAL; date: May 24, 2005.

the principals.[884] Abu Faraj al-Libi was rendered to CIA custody at DETENTION SITE ORANGE on May [redacted], 2005,[885] and transferred to DETENTION SITE BLACK on May [redacted], 2005.[886]

(~~TS//[redacted]//NF~~) On May [redacted], 2005, CIA Director Goss formally notified National Security Advisor Stephen Hadley and Director of National Intelligence (DNI) John Negroponte that Abu Faraj al-Libi would be rendered to the unilateral custody of the CIA.[887] Director Goss's memorandum stated:

> "[s]hould Abu Faraj resist cooperating in CIA debriefings, and pending a finding of no medical or psychological contraindictations [sic], to interrogation, I will authorize CIA trained and certified interrogators to employ one or more of the thirteen specific interrogation techniques for which CIA recently received two signed legal opinions from the Department of Justice (DOJ), Office of Legal Counsel (OLC) that these techniques, both individually and used collectively, are lawful."[888]

(~~TS//[redacted]//NF~~) The memorandum from Director Goss described Abu Faraj al-Libi as holding the third most important position in al-Qa'ida, and "play[ing] a leading role in directing al-Qa'ida's global operations, including attack planning against the US homeland." Abu Faraj al-Libi was also described as possibly overseeing al-Qa'ida's "highly compartmented anthrax efforts."[889]

(~~TS//[redacted]//NF~~) On May [redacted], 2005, one day after al-Libi's arrival at DETENTION SITE BLACK, CIA interrogators received CIA Headquarters approval for the use of the CIA's enhanced interrogation techniques on Abu Faraj al-Libi.[890] CIA interrogators began using the CIA's enhanced interrogation techniques on Abu Faraj al-Libi on May 28, 2005, two days before the OLC issued its memorandum analyzing whether the techniques violated U.S. obligations under the Convention Against Torture.[891]

(~~TS//[redacted]//NF~~) The CIA interrogated Abu Faraj al-Libi for more than a month using the CIA's enhanced interrogation techniques. On a number of occasions, CIA interrogators applied the CIA's enhanced interrogation techniques to Abu Faraj al-Libi when he

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[884] Email from: [redacted]; to: Robert Grenier, John Mudd, [REDACTED], [REDACTED], [redacted], [REDACTED], [redacted]; cc: [redacted], [REDACTED], [REDACTED], [REDACTED]; subject: Possible significant delay in EITs for AFAL; date: May 24, 2005.

[885] [redacted] 4526 [redacted]

[886] [redacted] 6131 [redacted] 2519 [redacted]

[887] Memorandum for Assistant to the President for National Security Affairs, Director of National Intelligence, from Porter Goss, Director, Central Intelligence Agency, May [redacted], 2005, re: Interrogation Plan for Abu Faraj al-Libi.

[888] Memorandum for Assistant to the President for National Security Affairs, Director of National Intelligence, from Porter Goss, Director, Central Intelligence Agency, May [redacted], 2005, re: Interrogation Plan for Abu Faraj al Libi.

[889] Memorandum for Assistant to the President for National Security Affairs, Director of National Intelligence, from Porter Goss, Director, Central Intelligence Agency, May [redacted], 2005, re: Interrogation Plan for Abu Faraj al-Libi.

[890] HEADQUARTERS [redacted]

[891] [redacted] 2336 (282003Z MAY 05)

complained of a loss of hearing, repeatedly telling him to stop pretending he could not hear well.[892] Although the interrogators indicated that they believed al-Libi's complaint was an interrogation resistance technique, Abu Faraj al-Libi was fitted for a hearing aid after his transfer to U.S. military custody at Guantanamo Bay in 2006.[893] Despite the repeated and extensive use of the CIA's enhanced interrogation techniques on Abu Faraj al-Libi, CIA Headquarters continued to insist throughout the summer and fall of 2005 that Abu Faraj al-Libi was withholding information and pressed for the renewed use of the techniques. The use of the CIA's enhanced interrogation techniques against Abu Faraj al-Libi was eventually discontinued because CIA officers stated that they had no intelligence to demonstrate that Abu Faraj al-Libi continued to withhold information, and because CIA medical officers expressed concern that additional use of the CIA's enhanced interrogation techniques "may come with unacceptable medical or psychological risks."[894] After the discontinuation of the CIA's enhanced interrogation techniques, the CIA asked Abu Faraj al-Libi about UBL facilitator Abu Ahmad al-Kuwaiti for the first time.[895] Abu Faraj al-Libi denied knowledge of al-Kuwaiti.[896]

3. CIA Acquires Two Detainees from the U.S. Military

(~~TS//[redacted]//NF~~) Another legal issue in late 2005 was related to the U.S. Department of Defense's involvement in CIA detention activities. In September 2005, the CIA and the Department of Defense signed a Memorandum of Understanding on this subject,[897] and the U.S. military agreed to transfer two detainees, Ibrahim Jan and Abu Ja'far al-Iraqi, to CIA custody. Both were held by the U.S. military without being registered with the ICRC for over 30 days, pending their transfer to CIA custody.[898] The transfer of Abu Ja'far al-Iraqi took place notwithstanding Department of State concerns that the transfer would be inconsistent with statements made by the secretary of state that U.S. forces in Iraq would remain committed to the law of armed conflict, including the Geneva Conventions.[899]

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[892] [redacted] 2499 (262123Z JUN 05)

[893] [redacted]

[894] Email from: [redacted]; to: [redacted]; cc: [REDACTED], [REDACTED], [redacted], [redacted], [REDACTED], [redacted], [REDACTED], [redacted]; subject: Response to DDO Tasking of 7 July on Abu Faraj Interrogation; date: July 8, 2005, at 06:16 PM.

[895] DIRECTOR [redacted] (121847Z JUL 05); HEADQUARTERS [redacted] [redacted] JAN 04); [redacted] 20361 (291232Z JAN 04); DIRECTOR [redacted] (040522Z MAY 04)

[896] [redacted] 29454 (131701Z JUL 05)

[897] Memorandum of Understanding Concerning DOD Support to CIA with Sensitive Capture and Detention Operations in the War on Terrorism.

[898] *See* email from: [REDACTED], [redacted]; to: [redacted], [REDACTED], [REDACTED]; cc: [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: DoD Request for a list of HVTs not to be issued ISN numbers. The email stated: "In conjunction with discussions between CIA and DoD over the weekend regarding our request to have the military render Ibrahim Jan to our custody and NOT issuing him an ISN number, DoD has requested CIA provide a list of HVTs to whom, if captured, the military should NOT issue ISN numbers" (emphasis in original). *See* [redacted] 1505 [redacted] OCT 05).

[899] July [redacted], 2005 Memorandum for Joint Staff ([redacted]) from [redacted], re: Interim Guidance Regarding ([redacted]).

(~~TS//[redacted]//NF~~) In late 2005, during the period the U.S. Senate was debating the Detainee Treatment Act barring "cruel, inhuman, or degrading treatment or punishment,"[900] the CIA subjected Abu Ja'far al-Iraqi to its enhanced interrogation techniques.[901] A draft Presidential Daily Brief (PDB) stated that Abu Ja'far al-Iraqi provided "almost no information that could be used to locate former colleagues or disrupt attack plots"—the type of information sought by the CIA, and the CIA's justification for the use of its enhanced interrogation techniques.[902] Later, the statement that Abu Ja'far al-Iraqi provided "almost no information that could be used to locate former colleagues or disrupt attack plots" was deleted from the draft PDB.[903] Abu Ja'far al-Iraqi remained in CIA custody until early September 2006, when he was transferred to U.S. military custody in Iraq.[904]

4. *The CIA Seeks "End Game" for Detainees in Early 2005 Due to Limited Support From Liaison Partners*

[900] Email from: [REDACTED]; to: [redacted], [REDACTED], [REDACTED]; cc: [redacted] [REDACTED], [REDACTED]; Subject: McCain Amendment on Detainee Treatment; date: October 6, 2005, at 12:37 PM.

[901] According to CIA records, Abu Ja'far al-Iraqi was subjected to nudity, dietary manipulation, insult slaps, abdominal slaps, attention grasps, facial holds, walling, stress positions, and water dousing with 44 degree Fahrenheit water for 18 minutes. He was shackled in the standing position for 54 hours as part of sleep deprivation, and experienced swelling in his lower legs requiring blood thinner and spiral ace bandages. He was moved to a sitting position, and his sleep deprivation was extended to 78 hours. After the swelling subsided, he was provided with more blood thinner and was returned to the standing position. The sleep deprivation was extended to 102 hours. After four hours of sleep, Abu Ja'far al-Iraqi was subjected to an additional 52 hours of sleep deprivation, after which CIA Headquarters informed interrogators that eight hours was the minimum rest period between sleep deprivation sessions exceeding 48 hours. In addition to the swelling, Abu Ja'far al-Iraqi also experienced an edema on his head due to walling, abrasions on his neck, and blisters on his ankles from shackles. *See* [redacted] 1810 [redacted] DEC 05); [redacted] 1813 [redacted] DEC 05); [redacted] 1819 [redacted] DEC 05); [redacted] 1847 [redacted] DEC 05); [redacted] 1848 [redacted] DEC 05); HEADQUARTERS [redacted] [redacted] DEC 05). *See* additional information on Abu Ja'far al-Iraqi in Volume III.

[902] PDB Draft titled: [redacted], Date: December 13, 2005, ALT ID#: -2132586. Director Goss notified the national security advisor that he had authorized the use of the CIA's enhanced interrogation techniques on Abu Ja'far al-Iraqi because "CIA believes that Abu Ja'far possesses considerable operational information about Abu Mu'sab al-Zarqawi." *See* December 1, 2005, Memorandum for the National Security Advisor, Director of National Intelligence, from Porter Goss, Central Intelligence Agency, subject, "Counterterrorist Interrogation Techniques."

[903] PDB Draft titled: [redacted], Date: December 16, 2005, ALT ID: 20051217 PDB on Abu Jafar al-Iraqi. Urging the change to the draft PDB, one of the interrogators involved in Abu Ja'far al-Iraqi's interrogation wrote, "If we allow the Director to give this PDB, as it is written, to the President, I would imagine the President would say, 'You asked me to risk my presidency on your interrogations, and now you give me this that implies the interrogations are not working. Why do we bother?' We think the tone of the PDB should be tweaked. Some of the conclusions, based on our experts' observations, should be amended. The glass is half full, not half empty, and is getting more full every day." *See* email from: [REDACTED] [redacted]; to: [REDACTED], [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED]; subject: PDB on [Abu Ja'far al-Iraqi]; date: December 15, 2005, at 12:25 AM.

[904] [redacted] 2031 [redacted]. In June 2007, inaccurate information about the effectiveness of the CIA's enhanced interrogation techniques on Abu Ja'far al-Iraqi was provided to the Committee. *See* CIA Response to Senate Select Committee on Intelligence Questions for the Record, June 18, 2007 (DTS #2007-2564); [redacted] 32732 [redacted] OCT 05); [redacted] 32707 [redacted] OCT 05); [redacted] 32726 [redacted] OCT 05); [redacted] 32810 [redacted] OCT 05); [redacted] 32944 [redacted] OCT 05).

(~~TS//~~ [redacted] ~~//NF~~) In early 2005, the CIA again sought an "endgame" policy for its detainees, citing its unstable relations with host governments and its difficulty in identifying additional countries to host CIA detention facilities.[905] Talking points prepared for the CIA director for a meeting with the national security advisor made the following appeal:

> "CIA urgently needs [the President of the United States] and Principals Committee direction to establish a long-term disposition policy for the 12 High-Value detainees (HVD)s we hold in overseas detention sites. Our liaison partners who host these sites are deeply concerned by [REDACTED][906] press leaks, and they are increasingly skeptical of the [U.S. government's] commitment to keep secret their cooperation.... A combination of press leaks, international scrutiny of alleged [U.S. government] detainee abuse, and the perception that [U.S. government] policy on detainees lacks direction is eroding our partners' trust in U.S. resolve to protect their identities and supporting roles. If a [U.S. government] plan for long-term [detainee] disposition does not emerge soon, the handful of liaison partners who cooperate may ask us to close down our facilities on their territory. Few countries are willing to accept the huge risks associated with hosting a CIA detention site, so shrinkage of the already small pool of willing candidates could force us to curtail our highly successful interrogation and detention program. Fear of public exposure may also prompt previously cooperative liaison partners not to accept custody of detainees we have captured and interrogated. Establishment of a clear, publicly announced [detainee] 'endgame' – one sanctioned by [the President of the United States] and supported by Congress – will reduce our partners' concerns and rekindle their enthusiasm for helping the US in the War on Terrorism."[907]

(~~TS//~~ [redacted] ~~//NF~~) In March 2005, talking points prepared for the CIA director for a discussion with the National Security Council Principals Committee stated that it was:

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[905] The CIA's June 2013 Response states that an "important factor" contributing to the slower pace of CIA detention operations was al-Qa'ida's relocation to the FATA, which "made it significantly more challenging [for the Pakistani government] to mount capture operations resulting in renditions and detentions by the RDI program." A review of CIA records by the Committee found that legal, policy, and other operational concerns dominated internal deliberations about the program. In 2005, CIA officers asked [redacted] officials to render two detainees to CIA custody, one [redacted] and one [redacted], [redacted] neither detainee was transferred to CIA custody. CIA officers noted that obtaining custody of detainees held by a foreign government during this period was becoming increasingly difficult, highlighting that [redacted]." In March 2006, Director Goss testified to the Committee that lack of space was the limiting factor in taking custody of additional detainees. *See* HEADQUARTERS [redacted]; HEADQUARTERS [redacted]; email from: [REDACTED], [redacted]; to: [redacted]; cc: [REDACTED], [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: for coord, pls: D/CIA talking points [redacted] re rendition of [redacted] 6702[redacted]; HEADQUARTERS [redacted]; and transcript of Senate Select Committee on Intelligence briefing, March 15, 2006 (DTS #2006-1308).

[906] Text redacted by the CIA prior to provision to Committee members at the U.S. Senate.

[907] *See* CIA document dated, January 12, 2005, entitled, "DCI Talking Points for Weekly Meeting with National Security Advisor."

> "only a matter of time before our remaining handful of current blacksite hosts concludes that [U.S. government] policy on [detainees] lacks direction and… [the blacksite hosts] ask us to depart from their soil.… Continuation of status quo will exacerbate tensions in these very valuable relationships and cause them to withdraw their critical support and cooperation with the [U.S. government]."[908]

(~~TS//~~ [redacted] ~~//NF~~) During this period, the U.S. solicitor general, however, expressed concern that if CIA detainees were transferred back to Guantanamo Bay, Cuba, they might be entitled to file a *habeas* petition and have access to an attorney.[909] Meanwhile, the National Security Council continued to discuss a public roll-out, and as described later in this summary, the CIA engaged the media directly in order to defend and promote the program.[910]

(~~TS//~~ [redacted] ~~//NF~~) The question of what to do with the remaining detainees in CIA custody remained unresolved throughout 2005, during which time the CIA pursued agreements with additional countries to establish clandestine CIA detention facilities.[911] The Detainee Treatment Act was passed by Congress on December 23, 2005, as part of the National Defense Authorization Act for Fiscal Year 2006. That day, the CIA suspended its interrogation program again.[912] As described later in this summary, in February 2006, the CIA informed the National Security Council principals that the CIA would not seek continued use of all of the CIA's enhanced interrogation techniques.[913]

5. *Press Stories and the CIA's Inability to Provide Emergency Medical Care to Detainees Result in the Closing of CIA Detention Facilities in Countries* [redacted] *and* [redacted]

(~~TS//~~ [redacted] ~~//NF~~) In October 2005, the CIA learned that *Washington Post* reporter Dana Priest had information about the CIA's Detention and Interrogation Program, [redacted]. The CIA then conducted a series of negotiations with the *Washington Post* in which it sought to prevent the newspaper from publishing information on the CIA's Detention and Interrogation Program.[914] Fearful that

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[908] *See* CIA Talking Points for Principals Committee Meeting on Long-Term Disposition of High-Value Detainees, 8 March 2005.

[909] *See* email from: [redacted]; to: John Rizzo; subject: Meeting this am with WH counsel on endgame planning; date: January 14, 2005.

[910] Email from: [redacted]; to: [redacted]; cc: [REDACTED], [redacted], [REDACTED], John A. Rizzo, [redacted]; subject: Re: Brokaw interview: Take one; date: April 14, 2005, at 9:22:32 AM. In 2006, Vice President Cheney expressed reservations about any public release of information regarding the CIA program. *See* CIA Memorandum for the Record from [REDACTED], C/CTC [redacted], subject, "9 March 2006 Principals Committee Meeting on Detainees."

[911] Negotiations with Countries [redacted] and [redacted] to host CIA detention facilities are described in this summary, and in greater detail in Volume I.

[912] HEADQUARTERS [redacted] (232040Z DEC 05)

[913] DDCIA Talking Points for 10 February 2006 Un-DC re Future of the CIA Counterterrorist Rendition, Detention, and Interrogation Program – Interrogation Techniques.

[914] HEADQUAR [redacted]; HEADQUAR [redacted]; HEADQUARTERS [redacted]

[redacted], the CIA recommended the immediate transfer of CIA detainees to Department of Defense custody.[915] When the Department of Defense rejected the proposal, the National Security Council directed the CIA to prepare other options.[916] Meanwhile, two U.S. ambassadors, one in [redacted] and another in [redacted], inquired whether Secretary of State Rice had been briefed on the impending *Washington Post* article and sought to speak to the secretary herself to ensure that the CIA program was authorized. According to CIA documents, Secretary Rice was not aware of the specific countries where the CIA detention facilities were located.[917] In lieu of a phone call from Secretary Rice, the CIA recommended that the State Department's Counterterrorism Coordinator and former CTC DDO, Henry Crumpton, call the ambassadors.[918] The *Washington Post* published an article about CIA detention sites on November 2, 2005.[919]

(~~TS//~~ [redacted] ~~//NF~~) The publication of the *Washington Post* article resulted in a demarche to the United States from [redacted], which also suggested that [redacted] contribution [redacted] could be in jeopardy.[920] The United States also received a demarche from [redacted].[921] According to a CIA cable, U.S. representatives to [redacted] feared that "if another shoe were to drop," there would be considerable ramifications for U.S. relations with [redacted] on a number of issues that depended on U.S. credibility in the area of human rights. The representatives also "questioned whether the gravity of this potential problem is fully appreciated in Washington."[922]

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[915] The other options put forward by the CIA were transfer of CIA detainees [redacted], which the CIA anticipated would release the detainees after a short period. The CIA also proposed its own outright release of the detainees. *See* CIA document entitled D/CIA Talking Points for use at [redacted] Principals Meeting (2005).

[916] HEADQUARTERS [redacted]

[917] Talking Points for Dr. J.D. Crouch for telephone calls to Ambassadors in [REDACTED] regarding possibility of forthcoming Dana Priest press article; email from: [redacted]; to: [REDACTED], [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED]; subject: Phone Call with State/L re Ambassadors who want to speak to the SecState; date: [redacted], at 06:45 PM.

[918] Email from: [redacted]; to: [REDACTED], [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED]; subject: Phone Call with State/L re Ambassadors who want to speak to the SecState; date: October 24, 2005, at 06:45 PM; email from: [REDACTED]; to: [REDACTED]; cc: [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Phone call from S/CT Amb. Hank Crumpton to Ambassador in [redacted]; date: November 1, 2005, at 6:13:21 PM. After the subsequent press revelations, the U.S. ambassador in Country [redacted] asked again about whether the secretary of state had been briefed, prompting the CIA Station in Country [redacted] to note in a cable that briefing U.S. officials outside of the CIA "would be a significant departure from current policy." *See* [REDACTED] [redacted] [REDACTED].

[919] [redacted] ." *See* "CIA Holds Terror Suspects in Secret Prisons," the *Washington Post*, November 2, 2005. [redacted]. *See* cable to [REDACTED] at HEADQUAR [redacted]; cables to [REDACTED] at HEADQUAR [redacted] and HEADQUAR [redacted]; and cable to [REDACTED] at HEADQUAR [redacted].

[920] [redacted] 52485 [redacted]; Memorandum from D/CIA Goss to Hadley, Townsend and Negroponte, [redacted].

[921] [redacted] 83053 [redacted]

[922] [redacted] 83053 [redacted]

(~~TS//[redacted]//NF~~) The CIA catalogued how the *Washington Post* story created tensions in its bilateral counterterrorism relations with [redacted] allies and determined that:

> "[t]he article is prompting our partners to reassess the benefits and costs of cooperating with the [U.S. government] and CIA. These services have conducted aggressive, high-impact operations with CIA against… targets, including [redacted]. We no longer expect the services to be as aggressive or cooperative."[923]

(~~TS//[redacted]//NF~~) In April 2006, [redacted] informed CIA officers that press stories on the CIA's Detention and Interrogation Program led the [redacted] government to prohibit [redacted] from providing "information that could lead to the rendition or detention of al-Qa'ida or other terrorists to U.S. Government custody for interrogation, including CIA and the Department of Defense."[924]

(~~TS//[redacted]//NF~~) Media leaks also created tensions with countries that had hosted or continued to host CIA detention facilities. For example, leaks prompted Country [redacted] officials to convey their intent to communicate directly with the Departments of Justice and State. They then formally demarched the U.S. government.[925] As late as [redacted] 2009, the [redacted] of Country [redacted] raised with CIA Director Panetta the "problem of the secret detention facility" that had "tested and strained" the bilateral partnership. The [redacted] of Country [redacted] also stated that assurances were needed that future cooperation with the CIA would be safeguarded.[926]

(~~TS//[redacted]//NF~~) After publication of the *Washington Post* article, [redacted] Country [redacted] demanded the closure of DETENTION SITE BLACK within [redacted] hours.[927] The CIA transferred the [redacted] remaining CIA detainees out of the facility shortly thereafter.[928]

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[923] [REDACTED] [redacted].

[924] *See* email from: [redacted]; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED]; subject: sensitive do not forward – draft intel; date: April 7, 2006, at 04:12:59 AM. *See also* September 2, 2006, Fax from [redacted], DD/CTC, to Steve Bradbury, John Bellinger III, Steve Cambone, forwarding September 1, 2006 Memorandum, "Anticipated Foreign Reactions to the Public Announcement of the US Secret Terrorist Detention Center." [redacted] had begun raising legal and policy concerns related to [any potential] support and assistance to the CIA in rendition, detention, and interrogation operations in March 2005. [redacted] officers indicated that they believed the International Covenant on Civil and Political Rights and the [redacted] prohibited [redacted] from aiding or assisting in these CIA operations. For additional background on [redacted] legal concerns about Renditions and Detention, *see* email from: [REDACTED], COS [redacted]; to: John A. Rizzo; cc: [REDACTED], [REDACTED], [REDACTED]; subject: more from [redacted] Re: [redacted] visit; date: [redacted], at 11:09 AM.

[925] "[REDACTED] article fallout." According to CIA records, the [redacted] of Country [redacted] was "very angry" about press reports, which, he believed, would be "exploited by radical elements" to "foment increased hostility toward [Country [redacted]] government." [REDACTED] DIRR [redacted] [REDACTED]; [REDACTED] [redacted] [REDACTED]. CIA records further state that the press reporting would "put considerable strain on the relationship." (*See* "[REDACTED] article fallout.") Despite this record, and other records in the full Committee Study, the CIA's June 2013 Response states: "[w]e found no evidence that the RDI program in any way negatively affected US relations overall with Country [redacted]."

[926] [REDACTED] 2328 [redacted]

[927] [REDACTED] 7885 ([REDACTED] [REDACTED])

[928] [REDACTED] 4895 ([REDACTED] [REDACTED])

(~~TS//[redacted]//NF~~) [redacted][929] In [redacted] Country [redacted] officers refused to admit CIA detainee Mustafa Ahmad al-Hawsawi to a local hospital despite earlier discussions with country representatives about how a detainee's medical emergency would be handled.[930] While the CIA understood the [redacted] officers' reluctance to place a CIA detainee in a local hospital given media reports, CIA Headquarters also questioned the "willingness of [redacted] to participate as originally agreed/planned with regard to provision of emergency medical care."[931] After failing to gain assistance from the Department of Defense,[932] the CIA was forced to seek assistance from three third-party countries in providing medical care to al-Hawsawi and four other CIA detainees with acute ailments. Ultimately, the CIA paid the [redacted] more than $[redacted] million for the treatment of [redacted] and [redacted];[933] paid the [redacted] approximately $[redacted] for the treatment of [redacted];[934] and made arrangements for [redacted] and [redacted] to be treated in [redacted].[935] The medical issues resulted in the closing of DETENTION SITE VIOLET in Country [redacted] in [redacted] 2006.[936] The CIA then transferred its remaining detainees to DETENTION SITE BROWN. At that point, all CIA detainees were located in Country [redacted].[937]

(~~TS//[redacted]//NF~~) Meanwhile, the pressures on the CIA's Detention and Interrogation Program brought about by the *Washington Post* story prompted the CIA to consider new options among what it called the "[d]windling pool [redacted] partners willing to host CIA Blacksites."[938] The CIA thus renewed earlier efforts to establish a detention facility in Country [redacted]. The CIA had earlier provided $[redacted] million to Country [redacted]'s [redacted] in preparation for a potential CIA detention site, prompting the chief of Station to comment, "Do you realize you can buy [Country [redacted]] for $[redacted]?"[939] On December [redacted], 2005, the chief of Station in Country [redacted] met with the [redacted], who was not concerned about the CIA's detention of terrorists in his country, but wanted assurances that the CIA interrogation program did not include the use of

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[929] HEADQUARTERS [redacted] ([REDACTED] [REDACTED]). *See also* HEADQUARTERS [redacted] ([REDACTED] [REDACTED]).

[930] [REDACTED] 5014 [redacted]

[931] HEADQUARTERS [redacted]

[932] *See* CIA Request Letter to DOD for Medical Assistance, dated [redacted], 2006, from DCIA Porter Goss. This letter was written four days after the CIA Headquarters cable noting the emerging difficulties in relying on host-country medical care. *See also* CIA document entitled, Summary and Reflections of Chief of Medical Services on OMS Participation in the RDI Program. While the document is undated, it includes information updated through 2007.

[933] *See* CIA document entitled, "COMPENSATION TO [redacted] FOR MEDICAL TREATMENT," date not listed.

[934] [redacted] 7719 [redacted] *See also* CIA document entitled, "COMPENSATION TO LIAISON FOR MEDICAL TREATMENT," date not listed, which indicates that the total compensation provided was $[redacted].

[935] Summary and Reflections of Chief of Medical Services on OMS Participation in the RDI Program.

[936] *See* Volume I for additional details.

[937] [redacted] 4118 [redacted]: HEADQUARTERS [redacted]

[938] *See* CIA Counterterrorist Rendition, Detainee, and Interrogation Program; dated [redacted] February 2006, "Un-DC" Meeting slides.

[939] Transcript of Oral History Interview, Interviewee: [redacted] (RJ) - October 13, 2006, Interviewer: [REDACTED] and [REDACTED].

torture.[940] In providing his approval, the [redacted] agreed to a request from the chief of Station not to inform the U.S. ambassador in Country [redacted].[941] The CIA also reached an agreement with another country, Country [redacted], to establish a CIA detention facility in that country and arranged with the leadership of Country [redacted] not to inform the U.S. ambassador there.[942] The CIA ultimately did not detain individuals in either country.

(~~TS//~~ [redacted] ~~//NF~~) In late October 2005, days before the publication of the *Washington Post* article, the CIA asked a separate country, Country [redacted], to temporarily house [redacted] CIA detainees.[943] The chief of Station briefed the U.S. ambassador in Country [redacted], who requested that the National Security Council and the White House be briefed on the plan.[944] There are no CIA records to indicate the briefing occurred. Country [redacted]'s [redacted] then provided approval, while seeking assurances that the CIA would develop a contingency plan in case the detention site was exposed in the press.[945] While the CIA Station and the [redacted] considered [redacted] in Country [redacted], CIA Headquarters directed that a long-term CIA detention facility be established in the country. Country [redacted]'s [redacted] approved a plan to build a CIA detention facility [redacted], but noted his ongoing concerns about the lack of a CIA "exit strategy."[946]

(~~TS//~~ [redacted] ~~//NF~~) The lack of emergency medical care for detainees, the issue that had forced the closing of DETENTION SITE VIOLET in Country [redacted], was raised repeatedly in the context of the construction of the CIA detention facility in Country [redacted]. On March [redacted], 2006, CIA Headquarters requested that the CIA Station in Country [redacted] ask Country [redacted] to arrange discreet access to the nearest hospital and medical staff. The cable stated that the CIA "look[s] forward to a favorable response, prior to commencing with the construction of our detention facility."[947] Construction nonetheless began on the facility without the issue of emergency medical care having been resolved. In [redacted] 2006, after the deputy chief of the CIA Station in Country [redacted], the deputy chief of RDG, and an OMS officer met with [redacted] officers, the Station reported that the establishment of emergency medical care proximal to the site was "not tenable."[948] In July 2006, an OMS representative informed the chief of [redacted] at CIA Headquarters that the facility in Country [redacted] "should not be activated without a clear, committed plan for medical provider coverage."[949]

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[940] [REDACTED] 1938 [redacted]
[941] [REDACTED] 1938 [redacted]
[942] [REDACTED] 3145 [redacted]
[943] HEADQUARTERS [redacted]
[944] [REDACTED] 6481 [redacted]
[945] [REDACTED] 6481 [redacted]
[946] [REDACTED] 6877 [redacted] [REDACTED] 6903 [redacted]
[947] HEADQUARTERS [redacted]
[948] [REDACTED] 7670 [redacted]
[949] *See* email from: [REDACTED]; to: [redacted], [REDACTED]; cc: [redacted]; subject: [redacted] CTC [redacted] meeting re. [redacted]; date: [redacted], at 4:57:29 PM. The June discussion is also referenced in [redacted], Memorandum for the Record; to: C/CTC[redacted]; from: C/CTC[redacted]/RDG; subject: Site Visit to [redacted] and Recommendations. As described, in June 2006, the CIA inspector general issued an audit that concluded that while CIA detention facilities lacked sufficient debriefers, they "were constructed, equipped, and staffed to securely and safely contain detainees and prompt intelligence exploitation of detainees." The audit further determined that the facilities "are not equipped to provide medical treatment to detainees who have or develop serious physical or mental disorders, and operable plans are not in place

(~~TS//[redacted]//NF~~) By the time a CIA team visited the Country [redacted] detention site in late 2006, the CIA had already invested $[redacted] million in the new facility. Describing the absence of adequate emergency medical care options as "unacceptable," the chief of RDG recommended in a draft memo that construction efforts be abandoned for this reason.[950] The following day, an edited version of the same memo described the issue as a "challenge," but did not recommend that the CIA cease construction of the facility.[951] The resulting CIA detention facility, which would eventually cost $[redacted] million, was never used by the CIA. Press reports about the CIA's Detention and Interrogation Program that appeared in [redacted] and [redacted] eventually forced the CIA to pass possession of the unused facility to the Country [redacted] government.[952]

(~~TS//[redacted]//NF~~) In early January 2006, officials at the Department of Defense informed CIA officers that Secretary of Defense Rumsfeld had made a formal decision not to accept any CIA detainees at the U.S. military base at Guantanamo Bay, Cuba.[953] At the time, the CIA was holding 28 detainees in its two remaining facilities, DETENTION SITE VIOLET, in Country [redacted], and DETENTION SITE ORANGE, in Country [redacted].[954] In preparation for a meeting with Secretary of Defense Rumsfeld on January 6, 2006, CIA Director Goss was provided a document indicating that the Department of Defense's position not to allow the transfer of CIA detainees to U.S. military custody at Guantanamo Bay "would cripple legitimate end game planning" for the CIA.[955] The talking points for that meeting suggested that Director Goss tell Secretary Rumsfeld that the:

> "only viable 'endgame' for continued US Government custody of these most dangerous terrorists is a transfer to GTMO… [a]bsent the availability of GTMO and eventual DoD custody, CIA will necessarily have to begin transferring those detainees no longer producing intelligence to third countries,

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to provide inpatient care for detainees," and concluded that CIA detention facilities were not equipped to provide emergency medical care to detainees. The audit team did not visit the facility in Country [redacted], but stated, with regard to another country, Country [redacted], that "CIA funds have been wasted in constructing and equipping a medical facility that was later determined not to be a viable option for providing inpatient care for detainees." *See* Report of Audit, CIA-controlled Detention Facilities Operated Under the 17 September 2001 Memorandum of Notification, Report No. 2005-0017-AS, June 14, 2006, at DTS # 2006-2793. The CIA's [redacted] supervised the CIA's Renditions and Detention Group.

[950] [redacted] 2006, Memorandum for the Record, to: C/CTC[redacted], from: C/CTC[redacted]/RDG, re: Site Visit to [redacted] and Recommendations.

[951] *See* [redacted] 2006, Memorandum for the Record, to: C/CTC[redacted], from: C/CTC[redacted]/RDG, re: Site Visit to [redacted] and Recommendations (2).

[952] Congressional Notification: Central Intelligence Agency Response to Host Country Government Order to Vacate an Inactive Blacksite Detention Facility, [redacted] (DTS #2009-3711); SSCI Memorandum for the Record, [redacted]; CIA Document, RDI Program Background Brief for Leon Panetta, 2009.

[953] DCIA Talking Points for 6 January 2006 Breakfast with Secretary of Defense, re: SecDef Refusal to Take CIA Detainees on GTMO.

[954] *See* CIA Memo, "As of 01 January 2006, there were 28 HVDs in CIA custody." As noted above, DETENTION SITE VIOLET in Country [redacted] would be closed in [redacted] 2006.

[955] DCIA Talking Points for 6 January 2006 Breakfast with Secretary of Defense, re: SecDef Refusal to Take CIA Detainees on GTMO.

> which may release them, or [the CIA itself may need to] outright release them."[956]

(~~TS//[redacted]//NF~~) After Secretary Rumsfeld declined to reconsider his decision not to allow the transfer of CIA detainees to U.S. military custody at Guantanamo Bay, CIA officers proposed elevating the issue to the president. CIA officers prepared talking points for Director Goss to meet with the president on the "Way Forward" on the program on January 12, 2006.[957] The talking points recommended that the CIA director "stress that absent a decision on the long-term issue (so called 'endgame') we are stymied and the program could collapse of its own weight."[958] There are no records to indicate whether Director Goss made this presentation to the president.

(~~TS//[redacted]//NF~~) In 2005 and 2006, the CIA transferred detainees from its custody to at least nine countries, including [redacted], as well as to the U.S. military in Iraq. Many of these detainees were subsequently released.[959] By May 2006, the CIA had 11 detainees whom it had identified as candidates for prosecution by a U.S. military commission. The remaining detainees were described as having "repatriation options open."[960]

6. *The CIA Considers Changes to the CIA Detention and Interrogation Program Following the Detainee Treatment Act, Hamdan v. Rumsfeld*

(~~TS//[redacted]//NF~~) Following the passage of the Detainee Treatment Act in December 2005, the CIA conducted numerous discussions with the National Security Council principals about modifications to the program that would be acceptable from a policy and legal standpoint. In February 2006, talking points prepared for CIA Director Goss noted that National Security Advisor Stephen Hadley:

> "asked to be informed of the criteria CIA will use before accepting a detainee into its CIA Counterterrorist Rendition, Detention, and Interrogation Program, stating that he believed CIA had in the past accepted detainees it should not have."[961]

(~~TS//[redacted]//NF~~) The CIA director proposed future criteria that would require not only that CIA detainees meet the standard in the MON, but that they possess information about threats to the citizens of the United States or other nations, and that detention in a CIA facility

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[956] DCIA Talking Points for 6 January 2006 Breakfast with Secretary of Defense, re: SecDef Refusal to Take CIA Detainees on GTMO.
[957] DCIA Talking Points for 12 January 2006 Meeting with the President, re: Way Forward on Counterterrorist Rendition, Detention and Interrogation Program.
[958] DCIA Talking Points for 12 January 2006 Meeting with the President, re: Way Forward on Counterterrorist Rendition, Detention and Interrogation Program.
[959] *See* Volume I for additional details.
[960] May 18, 2006, Deputies Committee (Un-DC) Meeting, Preliminary Detainee End Game Options. For additional information, *see* Volume I.
[961] DCIA Talking Points for 9 February 2006 Un-DC, re: Future of the CIA Counterterrorist Rendition, Detention, and Interrogation Program – Detainees.

was appropriate for intelligence exploitation.[962] A few months later, [redacted] CTC Legal, [redacted], wrote to Acting Assistant Attorney General Steven Bradbury suggesting a modified standard for applying the CIA's enhanced interrogation techniques. The suggested new standard was that "the specific detainee is believed to possess critical intelligence of high value to the United States." While the proposed modification included the requirement that a detainee have "critical intelligence of high value," it represented an expansion of CIA authorities, insofar as it covered the detention and interrogation of an individual with information that "would assist in locating the most senior leadership of al-Qa'ida of [sic] an associated terrorist organization," even if that detainee was not assessed to have knowledge of, or be directly involved in, imminent terrorist threats.[963]

(~~TS//[redacted]//NF~~) Discussions with the National Security Council principals also resulted in a March 2006 CIA proposal for an interrogation program involving only seven of the CIA's enhanced interrogation techniques: sleep deprivation, nudity, dietary manipulation, facial grasp, facial slap, abdominal slap, and the attention grab.[964] This proposal was not acted upon at the time. The proposal for sleep deprivation of up to 180 hours, however, raised concerns among the National Security Council principals.[965]

(~~TS//[redacted]//NF~~) In April 2006, the CIA briefed the president on the "current status" of the CIA's Detention and Interrogation Program. According to an internal CIA review, this was the first time the CIA had briefed the president on the CIA's enhanced interrogation techniques.[966] As previously noted, the president expressed concern at the April 2006 briefing about the "image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself."[967]

(~~TS//[redacted]//NF~~) On June 29, 2006, the Supreme Court issued its decision in the case of *Hamdan v. Rumsfeld*, concluding that the military commission convened to try Salim

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[962] DCIA Talking Points for 9 February 2006 Un-DC, re: Future of the CIA Counterterrorist Rendition, Detention, and Interrogation Program – Detainees.

[963] Letter from [redacted] CTC Legal [redacted] to Acting Assistant Attorney General Bradbury, May 23, 2006. (DTS #2009-1809); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. Sections 2340-2340A to Certain Techniques That May be Used in the Interrogation of a High Value al Qaeda Detainee (DTS #2009-1810, Tab 9), citing Fax for Daniel Levin, Acting Assistant Attorney General, Office of Legal Counsel, from [redacted], Assistant General Counsel, CIA (Jan. 4, 2005) ('January 4 [redacted] Fax'); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. Sections 2340-2340A to the Combined Use of Certain Techniques in the Interrogation of High Value al Qaeda Detainees (DTS #2009-1810, Tab 10); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees (DTS #2009-1810, Tab 11).

[964] DCIA Talking Points for 9 March 2006 Principals Committee Meeting.

[965] Memorandum for the Record from [REDACTED], C/CTC [redacted], re: 9 March 2006 Principals Committee Meeting on Detainees.

[966] *See* CIA document entitled, "DCIA Meeting with the President," dated April 8, 2006.

[967] Email from: Grayson SWIGERT; to: [REDACTED]; cc: [redacted]; subject: Dr. [SWIGERT's] 7 June meeting with DCI; date: June 7, 2006.

Hamdan, a detainee at Guantanamo Bay, was inconsistent with statutory requirements and Common Article 3 of the Geneva Conventions. The implication of the decision was that treating a detainee in a manner inconsistent with the requirements of Common Article 3 would constitute a violation of federal criminal law. CIA attorneys analyzed the *Hamdan* decision, noting that it could have a significant impact on "current CIA interrogation practices."[968] Their memorandum also referenced that Acting Assistant Attorney General Steven Bradbury had the "preliminary view … that the opinion 'calls into real question' whether CIA could continue its CT interrogation program involving enhanced interrogation techniques," as the CIA's enhanced interrogation techniques "could be construed as inconsistent with the provisions of Common Article 3 prohibiting 'outrages upon personal dignity' and violence to life and person."[969]

(~~TS//~~ [redacted] ~~//NF~~) The case of *Hamdan v. Rumsfeld* prompted the OLC to withdraw a draft memorandum on the impact of the Detainee Treatment Act on the CIA's enhanced interrogation techniques.[970] The CIA did not use its enhanced interrogation techniques again until July 2007, by which time the OLC had interpreted the Military Commissions Act, signed by the president on October 17, 2006, in such a way as to allow the CIA to resume the use of the techniques.[971]

N. The Final Disposition of CIA Detainees and the End of the CIA's Detention and Interrogation Program

1. *President Bush Publicly Acknowledges the Existence of the CIA's Detention and Interrogation Program*

(~~TS//~~ [redacted] ~~//NF~~) After significant discussions throughout 2006 among the National Security Council principals, the Department of Defense ultimately agreed to accept the transfer of a number of CIA detainees to U.S. military custody.[972]

(U) On September 6, 2006, President George W. Bush delivered a public speech acknowledging that the United States had held al-Qaida operatives in secret detention, stating that the CIA had employed an "alternative set of procedures" in interrogating these detainees, and describing information obtained from those detainees while in CIA custody.[973] As described later in this summary, the speech, which was based on CIA information and vetted by the CIA, contained

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[968] CIA memorandum from the CIA's Office of General Counsel, circa June 2006, entitled, "Hamdan v. Rumsfeld."
[969] CIA memorandum from the CIA's Office of General Counsel, circa June 2006, entitled, "Hamdan v. Rumsfeld."
[970] Email from: [redacted]; to: [REDACTED]; cc: [redacted], John Rizzo; subject: FW: Summary of *Hamdan* Decision; date: June 30, 2006, at 4:44 PM. Department of Justice Office of Professional Responsibility; Report, Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of 'Enhanced Interrogation Techniques' on Suspected Terrorists, July 29, 2009 (DTS #2010 1058).
[971] Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Acting Attorney General, Office of Legal Counsel, July 20, 2007, Re: Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees.
[972] *See* Volume I for details on these discussions.
[973] September 6, 2006, The White House, President Discusses Creation of Military Commissions to Try Suspected Terrorists.

significant inaccurate statements, especially regarding the significance of information acquired from CIA detainees and the effectiveness of the CIA's interrogation techniques.[974]

(U) In the speech, the president announced the transfer of 14 detainees to Department of Defense custody at Guantanamo Bay and the submission to Congress of proposed legislation on military commissions.[975] As all other detainees in the CIA's custody had been transferred to other nations, the CIA had no detainees in its custody at the time of the speech.[976]

2. *The International Committee of the Red Cross (ICRC) Gains Access to CIA Detainees After Their Transfer to U.S. Military Custody in September 2006*

(~~TS//~~ [redacted] ~~//NF~~) After the 14 CIA detainees arrived at the U.S. military base at Guantanamo Bay, they were housed in a separate building from other U.S. military detainees and remained under the operational control of the CIA.[977] In October 2006, the 14 detainees were allowed meetings with the ICRC and described in detail similar stories regarding their detention, treatment, and interrogation while in CIA custody. The ICRC provided information on these claims to the CIA.[978] Acting CIA General Counsel John Rizzo emailed the CIA director and other CIA senior leaders, following a November 8, 2006, meeting with the ICRC, stating:

> "[a]s described to us, albeit in summary form, what the detainees allege actually does not sound that far removed from the reality… the ICRC, for its part, seems to find their stories largely credible, having put much stock in the fact that the story each detainee has told about his transfer, treatment and conditions of confinement was basically consistent, even though they had been incommunicado with each other throughout their detention by us."[979]

(~~TS//~~ [redacted] ~~//NF~~) In February 2007 the ICRC transmitted to the CIA its final report on the "Treatment of Fourteen 'High Value Detainees' in CIA Custody." The ICRC report concluded that "the ICRC clearly considers that the allegations of the fourteen include descriptions of treatment and interrogation techniques - singly or in combination - that amounted to torture and/or cruel, inhuman or degrading treatment."[980] Notwithstanding Rizzo's comments, the CIA disagreed with a number of the ICRC's findings, provided rebuttals to the ICRC in

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[974] *See* Volume I and Volume II for additional information.
[975] September 6, 2006, The White House, President Discusses Creation of Military Commissions to Try Suspected Terrorists.
[976] *See* Volume III for additional information.
[977] CIA Background Memo for CIA Director visit to Guantanamo, December [redacted], 2006, entitled Guantanamo Bay High-Value Detainee Detention Facility.
[978] Email from: [redacted], [redacted] CTC/LGL; to: John Rizzo, [redacted], [REDACTED], [redacted], [redacted], [REDACTED], [REDACTED], [REDACTED], [redacted], [REDACTED], [REDACTED]; cc: [redacted]; subject: 8 November 2006 Meeting with ICRC reps; date: November 9, 2006, at 12:25 PM.
[979] Email from: John A. Rizzo; to: Michael V. Hayden, Stephen R. Kappes, Michael J. Morell; cc: [redacted], [redacted], [REDACTED]; subject: Fw: 8 November 2006 Meeting with ICRC Reps; date: November 9, 2006, at 12:25 PM.
[980] February 14, 2007, Letter to John Rizzo, Acting General Counsel, from [redacted], International Committee of the Red Cross, [redacted]

writing, and informed the Committee that "numerous false allegations of physical or threatened abuses and faulty legal assumptions and analysis in the report undermine its overall credibility."[981] The ICRC report was acquired by *The New York Review of Books* and posted on the *Review*'s website in April 2009.[982] The Committee found the ICRC report to be largely consistent with information contained in CIA interrogation records.[983]

3. The CIA Considers Future of the Program Following the Military Commissions Act

(~~TS//[redacted]//NF~~) As noted, in June 2006, the U.S. Supreme Court case of *Hamdan v. Rumsfeld* prompted the OLC to withdraw a draft legal memorandum on the impact of the Detainee Treatment Act on the CIA's enhanced interrogation techniques.[984] The administration determined that the CIA would need new legislation to continue to use the CIA's enhanced interrogation techniques.[985] The Military Commissions Act addressed the issues raised by the *Hamdan* decision and provided the president the authority to issue an Executive Order detailing permissible conduct under Common Article 3 of the Geneva Conventions. The bill passed the Senate on September 28, 2006, and the House of Representatives the following day.[986]

(~~TS//[redacted]//NF~~) On November [redacted], 2006, when Abd Hadi al-Iraqi was rendered to CIA custody, the draft Executive Order and an updated OLC memorandum had not yet been prepared.[987] Although Abd al-Hadi al-Iraqi was consistently assessed as being cooperative,

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[981] CIA Comments on the February 2007 ICRC Report on the Treatment of Fourteen "High Value Detainees" in CIA Custody. At a Committee Hearing on April 12, 2007, CIA Director Hayden emphasized the close relationship the CIA had with the ICRC ("I believe our contacts with the ICRC have been very useful. I have met with [redacted], the [redacted] for the Red Cross, on several occasions at CIA. It appears that [redacted] is a runner and he's promised to bring his gear with him next time he comes to Langley so that we can jog on the compound."), but emphasized the errors in the ICRC report, stating: "While CIA appreciates the time, effort, and good intentions of the ICRC in forming its report, numerous false allegations of physical or threatened abuses and faulty legal assumptions and analysis in the report undermine its overall credibility." (*See* SSCI Hearing Transcript, dated April 12, 2007 (DTS# 2007-3158).) As is described in more detail in Volume II, Director Hayden's statements to the Committee regarding the ICRC report included significant inaccurate information.

[982] *See* Assets/nybooks.com/media/doc/2010/04/022/icrc—report.pdf and detainee reviews and reports in Volume III.

[983] CIA officers in RDG and OMS prepared a number of documents disputing the ICRC allegations. *See* document entitled, "CIA Comments on the February 2007 ICRC Report on the Treatment of Fourteen 'High Value Detainees' in CIA Custody." *See* Volumes I and III for additional information.

[984] Email from: [redacted]; to: [REDACTED]; cc: [redacted], John Rizzo; subject: FW: Summary of *Hamdan* Decision; date: June 30, 2006, at 4:44 PM.

[985] Acting Assistant Attorney General Bradbury told the Department of Justice's Office of Professional Responsibility (OPR) that officials from the Departments of State, Defense, and Justice met with the president and officials from the CIA and the NSC to consider the impact of the *Hamdan* decision, and that it was clear from the outset that legislation would have to be enacted to address the application of Common Article 3 and the War Crimes Act to the CIA interrogation program. As the OPR report noted, "*Hamdan* directly contradicted OLC's January 22, 2002 opinion to the White House and the Department of Defense, which had concluded that Common Article 3 did not apply to captured members of al Qaeda." *See* Department of Justice Office of Professional Responsibility; Report, Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of Enhanced Interrogation Techniques on Suspected Terrorists, July 29, 2009 (DTS #2010-1058).

[986] S. 3930 passed the Senate by a vote of 65-34 (Record Vote Number: 259) and the House by a vote of 250-170 (Roll no. 508). It was signed into law on October 17, 2006.

[987] [redacted] 6361 [redacted]

interrogators also believed he was withholding information on operational plots and the locations of high-value targets.[988] The CIA believed his [redacted] in February 2007 supported this conclusion,[989] prompting discussions at CIA Headquarters about the possible use of the CIA's enhanced interrogation techniques against him. By the end of the month, however, the CIA had determined there was "insufficient intelligence…that [Abd al-Hadi al-Iraqi] possesses actionable information…to justify the use of" the CIA's enhanced interrogation techniques.[990]

(~~TS//~~ [redacted] ~~//NF~~) In October 2006, a panel of CIA interrogators recommended that four CIA enhanced interrogation techniques—the abdominal slap, cramped confinement, nudity, and the waterboard—be eliminated, but that the remainder of the interrogation techniques be retained.[991] Under this proposal, the CIA would have been authorized to subject detainees to dietary manipulation, sleep deprivation, the facial slap, the facial grasp, the attention grab, walling, stress positions, and water dousing. There are few CIA records describing the panel's deliberations, or the CIA's response to its recommendations. The panel proposed dropping two of the CIA's enhanced interrogation techniques—nudity and the abdominal slap—that the CIA director had proposed retaining in March 2006, while recommending that the CIA retain three other techniques— walling, stress positions, and water dousing—that had not otherwise been requested for retention.[992]

4. *The CIA Develops Modified Enhanced Interrogation Program After Passage of the Military Commissions Act*

(~~TS//~~ [redacted] ~~//NF~~) In the spring of 2007, the OLC completed a draft of a legal opinion concluding that the use of the CIA's seven proposed enhanced interrogation techniques—sleep deprivation, nudity, dietary manipulation, facial grasp, facial slap, abdominal slap, and the attention grab—would be consistent with the requirements of Common Article 3 of the Geneva Conventions and the Military Commissions Act. This draft generated significant disagreement between the State Department's legal advisor, John Bellinger, and the Acting Assistant Attorney General Steven Bradbury, resulting in Secretary of State Rice refusing to concur with the proposed Executive Order.[993]

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[988] *See*, for example, [redacted] 1335 (021946Z NOV 06); [redacted] 1340 (041114Z NOV 06); [redacted] 1343 (041805Z NOV 06); [redacted] 1370 (071318Z NOV 06); [redacted] 1574 (230910Z NOV 06); [redacted] 1624 (271250Z NOV 06); [redacted] 1703 (040918Z DEC 06); [redacted] 1860 (181622Z DEC 06); [redacted] 1931 (081606Z JAN 07); [redacted] 1956 (151211Z JAN 07); [redacted] 2007 (251057Z JAN 07).

[989] [redacted] 2065 (081633Z FEB 07)

[990] Email from: [redacted], [redacted] CTC/LGL; to: [redacted], [redacted], [REDACTED], [redacted]; subject: What needs to occur before we ask for EITs on [redacted]; HEADQUARTERS [redacted] (272015Z FEB 07); date: February 9, 2007.

[991] *See* October 23, 2006, Memorandum for Director, CIA from [redacted], Chief, [redacted].

[992] *See* October 23, 2006, Memorandum for Director, CIA from [redacted], Chief, [redacted] and DCIA Talking Points for 9 March 2006 Principals Committee Meeting.

[993] February 9, 2007, letter from John B. Bellinger III, Legal Adviser, Department of State, to Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice. At the time, there were internal disagreements within the CIA about whether the CIA should have a detention and interrogation program. An April 2007 Sametime communication between the chief of CTC and another senior CIA leader described these disagreements and how CIA leadership responded to them. According to [redacted], "[REDACTED] was carping to [REDACTED] and Jose [Rodriguez] last Friday… that he and [Michael] Sulick (!) had a long talk

(~~TS//~~[redacted]~~//NF~~) In June 2007, in an effort to gain Secretary Rice's support, the CIA asked CIA contractors SWIGERT and DUNBAR to brief Secretary Rice on the CIA's interrogation program. During that briefing, Secretary Rice expressed her concern about the use of nudity and a detainee being shackled in the standing position for the purpose of sleep deprivation. According to CIA records, in early July 2007, after the capture of Muhammad Rahim, Secretary Rice indicated that she would not concur with an interrogation program that included nudity, but that she would not continue to object to the CIA's proposed interrogation program if it was reduced to six of the enhanced interrogation techniques listed in the draft OLC memorandum: (1) sleep deprivation, (2) dietary manipulation, (3) facial grasp, (4) facial slap, (5) abdominal slap, and (6) the attention grab.[994]

5. *Muhammad Rahim, the CIA's Last Detainee, is Subjected to Extensive Use of the CIA's Enhanced Interrogation Techniques, Provides No Intelligence*

(~~TS//~~[redacted]~~//NF~~) On June 25, 2007, al-Qa'ida facilitator Muhammad Rahim was captured in Pakistan.[995] Based on reports of debriefings of Rahim in foreign government custody and other intelligence, CIA personnel assessed that Rahim likely possessed information related to the location of Usama bin Laden and other al-Qa'ida leaders.[996] On July 3, 2007, Acting CIA General Counsel John Rizzo informed Acting Assistant Attorney General Steven Bradbury that the CIA was anticipating a "new guest," and that the CIA "would need the signed DOJ opinion 'in a matter of days.'"[997]

(~~TS//~~[redacted]~~//NF~~) Muhammad Rahim was rendered to CIA custody at DETENTION SITE BROWN in Country [redacted] on [redacted] July [redacted], 2007.[998] Upon his arrival, CIA interrogators had a single discussion with Rahim during which he declined to provide answers to questions about threats to the United States and the locations of top al-Qa'ida leaders.[999] Based on this interaction, CIA interrogators reported that Rahim was unlikely to be cooperative. As a

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and agree the CIA is off the track and rails… that we should not be doing detention, rendition, interrogation." Referring to a CIA leadership meeting that day in which the Committee's April 12, 2007, hearing would be discussed, [redacted] stated that: "I want to take that [criticism] on by letting all know how importan [sic] this [hearing] is… and what the leaderships [sic] position is from hayden, kappes and jose… in case there is some corrosive, bullshit mumbling and rumblings among comopennt [sic – "component"] chiefs, some of which i am seeing." Sametime communication between [redacted] and [redacted], 12/Apr/07, 09:50:54 to 09:56:57.

[994] Email from: [redacted]; to: Jose Rodriguez, John Rizzo etc.; subject: EIT briefing for SecState on June 22, 2007; date: June 22, 2007; July 3, 2007, Steven Bradbury, Handwritten Notes, "John Rizzo"; email from: John A. Rizzo; to: [redacted]; cc: [REDACTED], [REDACTED]; subject: Conversation with Bradbury; date: July 3, 2007.

[995] [redacted] 1199 (251634Z JUN 07); [redacted] 6439 [redacted]; [redacted] 7516 [redacted]

[996] CIA memorandum titled, CTC/RDG Planning for Possible Rendition of Mohammed Rahim 19 June 2007. The document was unsigned, and the author is unknown. A subsequent version, with identical text, was titled CTC/RDG Planning for Possible Rendition of Mohammad Rahim – 25 June 2007. *See also* [redacted] 2463 (201956Z JUL 07).

[997] Email from: John A. Rizzo; to: [redacted]; cc: [REDACTED], [REDACTED]; subject: Conversation with Bradbury; date: July 3, 2007.

[998] [redacted] 6439 [redacted]; [redacted] 7516 [redacted]

[999] [redacted] 2432 [redacted] JUL (07)

result, CIA Director Michael Hayden sent a letter to the president formally requesting that the president issue the Executive Order interpreting the Geneva Conventions in a manner to allow the CIA to interrogate Rahim using the CIA's enhanced interrogation techniques. A classified legal opinion from OLC concluding that the use of the CIA's six enhanced interrogation techniques proposed for use on Rahim (sleep deprivation, dietary manipulation, facial grasp, facial slap, abdominal slap, and the attention grab) did not violate applicable laws was issued on July 20, 2007. The accompanying unclassified Executive Order was issued the same day.[1000] Although Rahim had been described by the CIA as "one of a handful of al-Qa'ida facilitators working directly for Bin Ladin and Zawahiri,"[1001] Rahim remained in a CIA cell without being questioned for a week, while CIA interrogators waited for approval to use the CIA's enhanced interrogation techniques against him.[1002]

(~~TS//~~ [redacted] ~~//NF~~) CIA interrogators initially expressed optimism about their ability to acquire information from Rahim using the CIA's enhanced interrogation techniques. A cable sent from the CIA detention site stated:

> "Senior interrogators on site, with experience in almost every HVD [high-value detainee] interrogation conducted by [CIA], believe the employment of interrogation with measures would likely provide the impetus to shock [Rahim] from his current resistance posture and provide an opportunity to influence his behavior to begin truthful participation."[1003]

(~~TS//~~ [redacted] ~~//NF~~) Four CIA interrogators present at the CIA detention site began applying the CIA's enhanced interrogation techniques on July 21, 2007.[1004] According to CIA records, the interrogators "employed interrogation measures of facial slap, abdominal slap, and facial hold, and explained to [Rahim] that his assumptions of how he would be treated were wrong."[1005] The interrogators emphasized to Rahim that "his situation was the result of his deception, he would stay in this position until interrogators chose to remove him from it, and he could always correct a previous misstatement."[1006] According to the cable describing the interrogation, Rahim then threatened to fabricate information:

> "[Rahim] reiterated several times during the session that he would make up information if interrogators pressured him, and that he was at the complete

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[1000] July 16, 2007, letter from Michael Hayden, Director of the Central Intelligence Agency, to President George W. Bush; Executive Order 13440, July 20, 2007; and Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Acting Attorney General, Office of Legal Counsel, July 20, 2007, Re: Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees.

[1001] CIA memorandum titled, "CTC/RDG Planning for Possible Rendition of Mohammed Rahim – 19 June 2007." The document was unsigned, and the author is unknown. A subsequent version, with identical text, was titled "CTC/RDG Planning for Possible Rendition of Mohammad Rahim – 25 June 2007."

[1002] [redacted] 2445 (181104Z JUL 07); [redacted] 2463 (201956Z JUL 07); [redacted] 2467 (211341Z JUL 07)

[1003] 2463 (201956Z JUL 07)

[1004] 2467 (211341Z JUL 07)

[1005] 2467 (211341Z JUL 07)

[1006] 2467 (211341Z JUL 07)

> mercy of the interrogators and they could even kill him if they wanted. Interrogators emphasized to [Rahim] that they would not allow him to die because then he could not give them information, but that he would, eventually, tell interrogators the truth."[1007]

(~~TS//[redacted]//NF~~) During the interrogation of Rahim using the CIA's enhanced interrogation techniques, Rahim was subjected to eight extensive sleep deprivation sessions,[1008] as well as to the attention grasp, facial holds, abdominal slaps, and the facial slap.[1009] During sleep deprivation sessions, Rahim was usually shackled in a standing position, wearing a diaper and a pair of shorts.[1010] Rahim's diet was almost entirely limited to water and liquid Ensure meals.[1011] CIA interrogators would provide Rahim with a cloth to further cover himself as an incentive to cooperate. For example, a July 27, 2007, cable from the CIA detention site states that when Rahim showed a willingness to engage in questioning about "historical information," he was "provided a large towel to cover his torso" as a "subtle reward."[1012] CIA interrogators asked Rahim a variety of questions during these interrogations, seeking information about the current location of senior al-Qa'ida leaders, which he did not provide.[1013]

1007 [redacted] 2467 (211341Z JUL 07)

1008 Rahim was subjected to 104.5 hours of sleep deprivation from July 21, 2007, to July 25, 2007. Sleep deprivation was stopped when Rahim "described visual and auditory hallucinations." After Rahim was allowed to sleep for eight hours and the psychologist concluded that Rahim had been faking his symptoms, Rahim was subjected to another 62 hours of sleep deprivation. A third, 13 hour session, was halted due to a limit of 180 hours of sleep deprivation during a 30 day period. (*See* [redacted] 2486 (251450Z JUL 07); [redacted] 2491 (261237Z JUL 07); [redacted] 2496 (261834Z JUL 07); [redacted] 2501 (271624Z JUL 07); [redacted] 2502 (281557Z JUL 07); and [redacted] 2508 (291820Z JUL 07).) On August 20, 2007, Rahim was subjected to a fourth sleep deprivation session. After a session that lasted 104 hours, CIA Headquarters consulted with the Department of Justice and determined that "[t]ermination at this point is required to be consistent with the DCIA Guidelines, which limit sleep deprivation to an aggregate of 180 hours in any repeat any 30 day period." (*See* HEADQUARTERS [redacted] (240022Z AUG 07).) Between August 28, 2007, and September 2, 2007, Rahim was subjected to three additional sleep deprivation sessions of 32.5 hours, 12 hours, and 12 hours. (*See* [redacted] 2645 (291552Z AUG 07); [redacted] 2661 (311810Z AUG 07); [redacted] 2662 (010738Z SEP 07); and [redacted] 2666 (020722Z SEP 07).) As described, CIA interrogators conducted an eighth sleep deprivation session, lasting 138.5 hours, in November 2007.

1009 [redacted] 2467 (211341Z JUL 07); [redacted] 2502 (281557Z JUL 07); [redacted] 2554 (071453Z AUG 07); [redacted] 2558 (081511Z AUG 07); [redacted] 2654 (301659Z AUG 07); [redacted] 2671 (061450Z SEP 07)

1010 [redacted] 2496 (261834Z JUL 07); [redacted] 2508 (291820Z JUL 07); [redacted] 2554 (071453Z AUG 07); [redacted] 2558 (081511Z AUG 07); [redacted] 2626 (241158Z AUG 07); [redacted] 2644 (281606Z AUG 07); [redacted] 2645 (291552Z AUG 07); [redacted] 2661 (311810Z AUG 07); [redacted] 2662 (020738Z SEP 07); [redacted] 2666 (030722Z SEP 07)

1011 [redacted] 2467 (211341Z JUL 07); [redacted] 2570 (101155Z AUG 07); [redacted] 2615 (201528Z AUG 07)

1012 [redacted] 2501 (271624Z JUL 07)

1013 [redacted] 2467 (211341Z JUL 07); [redacted] 2476 (231419Z JUL 07); [redacted] 2496 (261834Z JUL 07); [redacted] 2502 (281557Z JUL 07); [redacted] 2508 (291820Z JUL 07); [redacted] 2554 (071453Z AUG 07); [redacted] 2558 (081511Z AUG 07); [redacted] 2570 (101155Z AUG 07); [redacted] 2626 (241158Z AUG 07); [redacted] 2644 (281606Z AUG 07); [redacted] 2645 (291552Z AUG 07); [redacted] 2654 (301659Z AUG 07); [redacted] 2661 (311810Z AUG 07); [redacted] 2662 (020738Z SEP 07); [redacted] 2666 (030722Z SEP 07); [redacted] 2671 (061450Z SEP 07). CIA contractor DUNBAR participated in Muhammad Rahim's interrogation sessions from August 9, 2007, to August 29, 2007. *See* Volume III for additional details.

(~~TS//[redacted]//NF~~) On September 8, 2007, CIA Director Hayden approved an extension of Muhammad Rahim's CIA detention.[1014] The Director of the National Clandestine Service Jose Rodriguez disagreed with the approved extension, writing:

> "I did not sign because I do not concur with extending Rahim's detention for another 60 days. I do not believe the tools in our tool box will allow us to overcome Rahim's resistance techniques. J.A.R."[1015]

(~~TS//[redacted]//NF~~) Shortly after the September 2007 extension, CIA personnel were directed to stop the use of the CIA's enhanced interrogation techniques on Rahim. Rahim was then left in his cell with minimal contact with CIA personnel for approximately six weeks.[1016] On September 10, 2007, Rahim's interrogators reported to CIA Headquarters that Rahim had "demonstrated that the physical corrective measures available to HVDIs[1017] have become predictable and bearable."[1018] The use of the CIA's enhanced interrogation techniques on Rahim resumed on November 2, 2007, with a sleep deprivation session that lasted until November 8, 2007, for a total of 138.5 hours. This sleep deprivation session, the longest to which Rahim had been subjected, was his eighth and final session. Rahim was also subjected to dietary manipulation during this period.[1019]

(~~TS//[redacted]//NF~~) According to CIA records, intermittent questioning of Rahim continued until December 9, 2007, when all questioning of Rahim ceased for nearly three weeks. During this time, CIA detention site personnel discussed and proposed new ways to encourage Rahim's cooperation. These new proposals included suggestions that Rahim could be told that audiotapes of his interrogations might be passed to his family, or that [redacted]

[1014] CIA memorandum from [redacted], Director, Counterterrorism Center, to Director, Central Intelligence Agency, September 7, 2007, Subject: Request to Extend Detention of Muhammad Rahim.

[1015] CIA Routing and Record Sheet with Signatures for approval of the Memorandum, "Request to Extend Detention of Muhammad Rahim," September 5, 2007. J.A.R. are the initials of the Director of the NCS, Jose A. Rodriguez.

[1016] [redacted] 2697 (121226Z SEP 07); CIA memorandum from [redacted], Director, Counterterrorism Center, to Director, Central Intelligence Agency, October 31, 2007, Subject: Request Approval for the use of Enhanced Interrogation Techniques; HEADQUARTERS [redacted] (101710 SEP 07). During this period, contractor Grayson SWIGERT recommended two approaches. The first was increasing Rahim's amenities over 8-14 days "before returning to the use of EITs." The second was "switching from an interrogation approach that in effect amounts to a 'battle of wills,' to a 'recruiting' approach that sidesteps the adversarial contest inherent in framing the session as an interrogation." SWIGERT noted, however, that the latter approach "is apt to be slow in producing information" since intelligence requirements would not be immediately serviced, and "it would work best if [Rahim] believes he will be in [CIA] custody indefinitely." (*See* email from: Grayson SWIGERT; to: [REDACTED] and [redacted]; cc: [redacted] and Hammond DUNBAR; subject: Some thoughts on [Rahim] interrogation next steps; date: September 17, 2007, at 4:05 PM.) The CTC's deputy chief of operations replied that, "It's clear that the 'harsh' approach isn't going to work and the more we try variants on it, the more it allows [Rahim] to believe he has won. The question is whether that perception will be conveyed in Scenario 2." *See* email from [REDACTED] to: [redacted]; cc: [REDACTED], [redacted], Grayson SWIGERT, Hammond DUNBAR, [REDACTED], [redacted], [REDACTED]; subject: Fw: Some thoughts on [Rahim] interrogation next steps; date: September 17, 2007, at 4:28 PM.

[1017] High Value Detainee Interrogators (HVDI)

[1018] [redacted] 2691 (101306Z SEP 07)

[1019] [redacted] 2888 (022355Z NOV 07); [redacted] 2915 (081755Z NOV 07). Due to the time zone difference, when this sleep deprivation session began it was November 2, 2007, at CIA Headquarters, but November 3, 2007, at the detention site.

[redacted] Rahim was cooperating with U.S. forces. On December 18, 2007, CIA Headquarters directed the detention site to stand down on the proposals.[1020]

(~~TS//[redacted]//NF~~) The CIA's detention and interrogation of Mohammad Rahim resulted in no disseminated intelligence reports.[1021] On March [redacted], 2008, Muhammad Rahim was [redacted] by the CIA to [redacted], where [redacted] took custody of Rahim. The [redacted] government immediately transferred Rahim to the custody of [redacted], at which point Rahim was transferred back to CIA custody and rendered by the CIA to U.S. military custody at Guantanamo Bay.[1022]

6. *CIA After-Action Review of Rahim Interrogation Calls for Study of Effectiveness of Interrogation Techniques and Recommends Greater Use of Rapport-Building Techniques in Future CIA Interrogations*

(~~TS//[redacted]//NF~~) On April 21, 2008, and April 22, 2008, the CIA's RDG convened an after-action review of the CIA's interrogation of Muhammad Rahim. According to summary documents, the CIA review panel attempted to determine why the CIA had been unsuccessful in acquiring useful information from Rahim. The summary documents emphasized that the primary factors that contributed to Rahim's unresponsiveness were the interrogation team's lack of knowledge of Rahim, the decision to use the CIA's enhanced interrogation techniques immediately after the short "neutral probe" and subsequent isolation period, the lack of clarity about whether the non-coercive techniques described in the Army Field Manual were permitted, the team's inability to confront Rahim with incriminating evidence, and the use of multiple improvised interrogation approaches despite the lack of any indication that these approaches might be effective.[1023] The summary documents recommended that future CIA interrogations should incorporate rapport-building techniques, social interaction, loss of predictability, and deception to a greater extent.[1024] The documents also recommended that the CIA conduct a

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[1020] [redacted] 3097 (141321Z DEC 07); [redacted] 3098 (151203Z DEC 07); [redacted] 3144 (270440Z DEC 07); [redacted] 3151 (291607Z DEC 07); [redacted] 3158 [redacted]; [redacted] 3165 (311016Z DEC 07); [redacted] 3166 (011404Z JAN 08); HEADQUARTERS [redacted] (180120Z DEC 07)

[1021] *See* Volume II and Volume III for additional information.

[1022] [redacted] 3445 [redacted]; [redacted] 9754 [redacted]; [redacted] 8405 [redacted]; [redacted] 8408 [redacted]. Records indicate that Rahim did not depart [redacted] during his time in nominal [redacted] custody. *See* Volume III for additional details on this transfer.

[1023] Undated CIA Memorandum, titled [redacted] After-Action Review, author (REDACTED); Undated CIA Memorandum, titled [Rahim] After Action Review: HVDI Assessment, with attached addendum, [Rahim] Lessons Learned Review Panel Recommendations Concerning the Modification of Sleep Deprivation and Reinstatement of Walling as an EIT, and Memorandum from [redacted] to Director, CTC, May 9, 2008, Subject: Results of After-Action Review of [Rahim] Interrogation. A document drafted by one of the participants prior to the review suggested that "intense legal/policy scrutiny" was also a negative factor; however, this point was not mentioned in any of the post-review summaries, except in the context of discussing confusion over whether particular interrogation methods were legal. The summary documents state that CIA officers devised and implemented several different strategies, one after another. According to one of the documents, "[t]hese varied strategies were implemented due to frustration and concern regarding the lack of intelligence production."

[1024] Undated CIA Memorandum, titled [redacted] After-Action Review, author (REDACTED), Undated CIA Memorandum, titled [Rahim] After Action Review: HVDI Assessment, with attached addendum, [Rahim] Lessons Learned Review Panel Recommendations Concerning the Modification of Sleep Deprivation and Reinstatement of

survey of interrogation techniques used by other U.S. government agencies and other countries in an effort to develop effective interrogation methods.[1025]

(~~TS//~~ [redacted] ~~//NF~~) Muhammad Rahim was the last CIA detainee in the CIA's Detention and Interrogation Program.[1026]

7. CIA Contracting Expenses Related to Company Formed by SWIGERT and DUNBAR

(~~TS//~~ [redacted] ~~//NF~~) CIA contractors SWIGERT and DUNBAR, who played a central role in the development of the CIA's enhanced interrogation techniques in the summer of 2002, and then used the techniques as contract interrogators, formed a company in 2005 [redacted] ["Company Y"].[1027] In addition to providing interrogators for the CIA's interrogation program, Company Y was granted a sole source contract to provide operational psychologists, debriefers, and security personnel at CIA detention sites.[1028] Under the contract, Company Y was tasked with conducting ongoing conversations with CIA detainees to learn about the terrorist mind set (this project was named the "Terrorist Think Tank" or "T^3"), developing [redacted] strategies, and writing the history of the CIA's Detention and Interrogation Program.[1029] Later descriptions of their services note that—on behalf of the CIA—Company Y officers participated in the interrogations of detainees held in foreign government custody and served as intermediaries between entities of those governments and the CIA.[1030]

(~~TS//~~ [redacted] ~~//NF~~) By 2006, the value of the base contract for their company, with all options exercised, was in excess of $180 million.[1031] As of May 2007, Company Y had hired [redacted] former CIA staff officers, many of whom had previously been involved with the CIA's Detention and Interrogation Program. Company Y's chief operating officer was the former

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Walling as an EIT, and Memorandum from [redacted] to Director, CTC, May 9, 2008, Subject: Results of After-Action Review of [Rahim] Interrogation.

[1025] Undated CIA Memorandum, titled [redacted] After-Action Review, author (REDACTED), Undated CIA Memorandum, titled [Rahim] After Action Review: HVDI Assessment, with attached addendum, [Rahim] Lessons Learned Review Panel Recommendations Concerning the Modification of Sleep Deprivation and Reinstatement of Walling as an EIT.

[1026] *See* Volume III for additional information.

[1027] For more information on CIA contracting with [Company Y], *see* Volume I.

[1028] Letter to [redacted] [Company Y], attn: Hammond DUNBAR from [REDACTED], Contracting Officer, re Confirmation of Verbal Authorization to Proceed Not to Exceed (ATP/NTE); email from: [REDACTED]; to: [redacted]; cc: [REDACTED], [REDACTED], [redacted], [REDACTED]; subject: Next Contractual Steps with SWIGERT& DUNBAR; date: March 2, 2005; March 18, 2005, Letter from [REDACTED], Chief, to [redacted] [Company Y], re Letter Contract [redacted].

[1029] Email from: [redacted]; to: [redacted]; subject: [redacted]; date: June 17, 2005, at 11:08:22 AM; email from: [redacted]; to: [REDACTED], [REDACTED], [REDACTED]; cc: [redacted], [redacted], [REDACTED], [REDACTED], [REDACTED]; subject: PCS CTC officer to [Company Y location] ("One of the primary functions is to develop and set-up what we call the 'Terrorist Think Tank' (previously briefed to the DDO and ADDO) which will be critical as we develop our [redacted]); date: July 12, 2005, at 10:25:48 AM; Justification Date: 28 February 2006, Justification For Other Than Full And Open Competition, Contractor: [Company Y].

[1030] *See,* for example, [Company Y] Monthly report, February 2006; [Company Y] Monthly Report, March 2006; [Company Y] Quarterly, 01 Jan – 31 March 2007.

[1031] Justification Date: 25 July 2006, Justification For Other Than Full and Open Competition, Contractor: [Company Y].

chief of [redacted], the division of the CIA supervising the Renditions and Detention Group. In addition, Company Y hired at least [redacted] CIA security protective officers to work on Company Y's CIA contracts. In March 2006, a list of projected staff and contractors within CIA's Renditions and Detention Group included [redacted] separate positions.[1032] Of those [redacted] positions, [redacted] [73%] were for contractors, the majority of whom were contractors from Company Y.[1033] By June 2007, RDG reported having [redacted] staff officers and [redacted] contractors.[1034] By 2008, RDG had a total of [redacted] positions, with [redacted] staff officers and [redacted] [85%] contractors, according to the CIA.[1035]

(~~TS//~~[redacted]~~//NF~~) The CIA's contract with Company Y was terminated in mid-2009. From the time of the company's creation in 2005 through the close-out of its contract in 2010, the CIA paid Company Y more than $75 million for services in conjunction with the CIA's Detention and Interrogation Program.[1036] The CIA also certified Company Y's office in [redacted], as a Secure Compartmented Information Facility (SCIF), which required a CIA officer to be detailed to [redacted], and provided Company Y access to CIA internal computer networks at its facility. In 2008, the CIA authorized an additional payment to Company Y of approximately $570,000, after Company Y indicated that it had incurred costs for conducting countersurveillance of its officers when [redacted] appeared in the press in conjunction with the program. The CIA agreed to a $5 million indemnification contract for the company that covered, among other expenses, criminal prosecution.[1037] Company Y hired a prominent [redacted] law firm for representation in 2007,[1038] and billed the CIA $1.1 million for legal expenses from 2007 through 2012 per its indemnification agreement.[1039] Part of these expenses included legal representation at a Committee staff briefing by SWIGERT and DUNBAR on November [redacted], 2008.[1040] Under the CIA's indemnification contract, the CIA is obligated to pay Company Y's legal expenses through 2021.[1041]

[1032] DO/CTC [redacted]/RDG Projected Staff & Contractors, updated as of March 15, 2006.
[1033] DO/CTC [redacted]/RDG Projected Staff & Contractors, updated as of March 15, 2006.
[1034] June 4, 2007, RDG, Mission Summary.
[1035] CTC confirmation, received by telephone on November 16, 2012.
[1036] DTS #2009-1258; DTS #2012-4008. CIA paid Company Y $612,000 in 2010 for contract close-out costs. In a March 2009 notification, the CIA also informed the Committee that, in addition to payments to Company Y, Grayson SWIGERT and Hammond DUNBAR had received $1.5 million and $1.1 million, respectively, as individuals. As noted elsewhere, the notification includes inaccurate representations about the effectiveness of the CIA program. *See* Congressional Notification, March 18, 2009 (DTS #2009-1258).
[1037] Email from: [REDACTED], CTC [redacted]; to: Hammond DUNBAR, Grayson SWIGERT; cc: [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Copy of Signed Indemnification Agreement; date: July 13, 2007, at 02:22 PM; email from: [REDACTED], Chief, Contract Law Division; to: [redacted]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Fw: Modified Indemnification Agmt ... New AR 7-17 Waiver Memo, Too?; date: November 13, 2007, at 10:32 AM.
[1038] Email from: [REDACTED]; to: [redacted]; subject: [redacted] Billing, May-December 2007; date: August 12, 2008, at 06:42 PM.
[1039] Response from the CIA regarding Contract Costs for [Company Y], October 15, 2012 (DTS #2012-4008).
[1040] *See* DTS #2009-0572.
[1041] Response from the CIA regarding Contract Costs for [Company Y], October 15, 2012 (DTS #2012-4008).

8. The CIA's Detention and Interrogation Program Ends

(U) On December 5, 2007, fewer than nine months after Director Hayden told the European Union that the CIA's Detention and Interrogation Program was not a CIA program, but "America's program," the House-Senate conference for the Fiscal Year 2008 Intelligence Authorization Act voted to include an amendment that banned coercive interrogation techniques and established the Army Field Manual on Human Intelligence Collector Operations as the interrogation standard for all U.S. government interrogations.[1042] The conference report passed both the House and the Senate with bipartisan majorities.[1043]

(U) On March 8, 2008, President Bush vetoed the Intelligence Authorization Act for Fiscal Year 2008 that banned coercive interrogations. In a radio address explaining the decision, the president stated "[t]he bill Congress sent me would take away one of the most valuable tools in the war on terror—the CIA program to detain and question key terrorist leaders and operatives." Addressing the use of the CIA's enhanced interrogation techniques, President Bush stated that the "main reason" the CIA program "has been effective is that it allows the CIA to use specialized interrogation procedures to question a small number of the most dangerous terrorists under careful supervision." The president stated that the CIA program had a "proven track record," and that the CIA obtained "critical intelligence" as a result of the CIA's enhanced interrogation techniques related to the Camp Lemonier plotting, the Karachi plotting, the Second Wave plotting, and the Heathrow Airport plotting. The president then repeated a warning the CIA had previously provided to the White House, that to "restrict the CIA to [interrogation] methods in the [Army] Field Manual," "could cost American lives."[1044] As is described in this summary, and detailed more extensively in the full Committee Study, the CIA's representations to the White House regarding the role of the CIA's enhanced interrogation techniques in the thwarting of the referenced plots were inaccurate.

(U) On March 11, 2008, by a vote of 225-188, the House of Representatives failed to override the presidential veto.[1045]

(~~TS//[redacted]//NF~~) In December 2008 and January 2009, CIA officers briefed the transition team for President-elect Barack Obama on the CIA's Detention and Interrogation Program. CIA Director Hayden prepared a statement that relayed, "despite what you have heard or read in a variety of public fora, these [enhanced interrogation] techniques and this program did

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[1042] DIRECTOR [redacted] (152227Z MAR 07); House Report 110-478 – Intelligence Authorization Act for Fiscal Year 2008, 110th Congress (2007-2008), Section 327.

[1043] H.R. 2082 passed the House of Representatives on December 13, 2007, by a vote of 222-197 (Roll No: 1160) and passed the Senate on February 13, 2008, by a vote of 51-45 (Record Vote Number: 22).

[1044] *See* "Text: Bush on Veto of Intelligence Bill," *The New York Times,* dated March 8, 2008. Located, among other places, at www.nytimes.com/2008/03/08/washington/08cnd-ptext.html. For an example of a previous CIA briefing to the White House with similar assertions, *see* CIA Memorandum for the Record, "Review of Interrogation Program on 29 July 2003," prepared by CIA General Counsel Scott Muller, dated August 5, 2003; with briefing slides entitled, "*CIA Interrogation Program,*" dated July 29, 2003. The CIA document provided to the participants states, "Termination of this program will result in loss of life, possibly extensive." For additional commentary, *see* "Veto of Bill on CIA Tactics Affirms Bush's Legacy," *The New York Times*, dated March 9, 2008.

[1045] U.S. House of Representatives Roll Call Vote 117 of the 110th Congress, Second Session, March 11, 2008, 7:01 PM.

work."[1046] The prepared materials included inaccurate information on the operation and management of the CIA's Detention and Interrogation Program, as well as the same set of examples of the "effectiveness" of the CIA's enhanced interrogation techniques that the CIA had provided to policymakers over several years.[1047] The examples provided were nearly entirely inaccurate.

(~~TS//~~ [redacted] ~~//NF~~) On January 22, 2009, President Obama issued Executive Order 13491, which required the CIA to "close as expeditiously as possible any detention facilities that it currently operates and… not operate any such detention facility in the future." The Executive Order prohibited any U.S. government employee from using interrogation techniques other than those in the Army Field Manual 2-22.3 on Human Intelligence Collector Operations.[1048]

[1046] CIA Briefing for Obama National Security Team - "Renditions, Detentions, and Interrogations (RDI)" including "Tab 7," named "RDG Copy- Briefing on RDI Program 09 Jan. 2009." Referenced materials attached to cover memorandum with the title, "D/CIA Conference Room Seating Visit by President-elect Barrack [sic] Obama National Security Team Tuesday, 13 January 2009; 8:30 – 11:30 a.m." The briefing book includes the previously mentioned, "Briefing Notes on the Value of Detainee Reporting," dated 15 May 2006, which provided the same intelligence claims found in the document of the same name, but dated April 15, 2005.

[1047] For detailed information, *see* Volume II.

[1048] The Executive Order also stated that the FBI and "other Federal law enforcement agencies" could "continu[e] to use authorized, non-coercive techniques of interrogation that are designed to elicit voluntary statements and do not involve the use of force, threats, or promises." (*See* Executive Order 13491, "Ensuring Lawful Interrogation," January 22, 2009.) [redacted] (DTS #2013-1723).